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## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9888

#### SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the War Department Civil Appropriation Act, 1948 (Public Law 296, 80th Congress) section 104 of the Navy Department Appropriation Act, 1948 (Public Law 202, 80th Congress) and section 5 of the Military Appropriation Act, 1948 (Public Law 267, 80th Congress) relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said Acts, compliance with the provisions of the said sections during the continuance of any of the wars in which the United States is now engaged or of the present national emergency.

Finding such action necessary because of a shortage of housing, I hereby suspend, for the fiscal year 1948, the application of those portions of the cited sections of the respective Acts which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

HARRY S. TRUMAN

THE WHITE HOUSE,

August 26, 1947

[F. R. Doc. 47-8053; Filed, Aug. 26, 1947;  
10:27 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

#### PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

##### CANNED GREEN BEANS AND CANNED WAX BEANS<sup>1</sup>

On June 25, 1947, notice of proposed rule making was published in the FEDERAL

REGISTER (12 F. R. 4117) regarding the proposed revision of United States Standards for Grades of Canned Green Beans and Canned Wax Beans. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans are hereby promulgated pursuant to the authority contained in the Agricultural Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st sess., approved July 30, 1947)

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity*. (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10; 12 F. R. 1138) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR 51.15; 12 F. R. 1138), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans*. (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal length, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "french style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, cut not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

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<sup>1</sup> The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



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<sup>1</sup> See Title 36, Chapter II.

<sup>2</sup> P. L. O. 393.

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(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods less than  $\frac{3}{4}$  inch in length.

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined herein.

(4) "U. S. Grade D" or "Substandard" is the quality of canned beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(5) "U. S. Grade D—Below standard in quality good food—not high grade" or "Substandard—Below standard in quality good food—not high grade" is the quality of canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11, 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141), as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that

each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can (404 x 414).

TABLE No. I

RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Style of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cuts—Cuts—French style	
			Short cuts and cuts less than $\frac{1}{4}$ inches	French style and cuts $\frac{1}{4}$ inches and longer
No. 1 E.....	6 $\frac{1}{2}$	.....	6 $\frac{3}{4}$	.....
No. 1 tall.....	9 $\frac{1}{2}$	.....	9 $\frac{1}{2}$	.....
No. 309.....	8 $\frac{1}{2}$	.....	8 $\frac{1}{2}$	.....
No. 303.....	9 $\frac{1}{2}$	.....	9 $\frac{1}{2}$	.....
No. 2.....	11 $\frac{1}{2}$	12 $\frac{1}{2}$	12	11 $\frac{1}{2}$
No. 2 $\frac{1}{2}$ .....	10 $\frac{1}{2}$	15	11 $\frac{1}{2}$	10 $\frac{1}{2}$
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TABLE No. II

SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans			Flat type beans in whole, cut, or short cut beans	
	Number designation	Whole beans		Cut or short cut beans	
		Word designation	Word designation	Number designation	Word designation
Less than $\frac{14}{64}$ inch in thickness.....	Size 1.....	Tiny.....	Small.....	Size 2.....	Small.....
$\frac{14}{64}$ inch to, but not including, $\frac{15}{64}$ inch in thickness.....	Size 2.....	Small.....	do.....	Size 3.....	Medium.....
$\frac{15}{64}$ inch to, but not including, $\frac{21}{64}$ inch in thickness.....	Size 3.....	Medium.....	do.....	Size 4.....	Medium Large.....
$\frac{21}{64}$ inch to, but not including, $\frac{24}{64}$ inch in thickness.....	Size 4.....	Medium Large.....	Medium.....	Size 5.....	Large.....
$\frac{24}{64}$ inch to, but not including, $\frac{27}{64}$ inch in thickness.....	Size 5.....	Large.....	Large.....	Size 6.....	Extra Large.....
$\frac{27}{64}$ inch or more in thickness.....	Size 6.....	Extra Large.....	Extra Large.....	Size 6.....	Do.....

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Clearness of liquor.....	10
(ii) Color.....	15
(iii) Absence of defects.....	35
(iv) Maturity.....	40
Total score.....	100

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than  $1\frac{1}{2}$  times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than  $1\frac{1}{2}$  times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than  $1\frac{1}{2}$  times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than  $1\frac{1}{2}$  times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means

that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy or contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Color* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, or similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury,

insect injury, or blemished by other means.

(a) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle  $\frac{1}{8}$  inch in diameter.

(b) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(d) "Ragged-cut units" means sections of pods that have very ragged edges, or are partially cut.

(e) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(f) "Small pieces of pods" means pieces of pods less than  $\frac{1}{2}$  inch in length.

(g) "Damaged by mechanical injury" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(a) *Whole or cut.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 4 blemished units, of which not more than 2 units are seriously blemished;

Not more than 5 ragged-cut units or 5 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(b) *Sliced lengthwise or french style.* "Practically free from defects" means that the pods are well sliced and the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(c) *Short cuts.* "Practically free from defects" means that the units are

practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 5 units damaged by mechanical injury; and

Not more than 4 blemished units, of which not more than 2 units are seriously blemished.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(a) *Whole or cut.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 8 blemished units, of which not more than 4 units are seriously blemished;

Not more than 10 ragged-cut units or 10 units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style.

(b) *Sliced lengthwise or french style.* "Reasonably free from defects" means that the pods are reasonably well sliced and the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units, and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(c) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not ex-

ceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 10 units damaged by mechanical injury\* and

Not more than 8 blemished units, of which not more than 4 units are seriously blemished.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" has the following meaning with respect to the following styles of canned beans:

(a) *Whole or cut.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;<sup>2</sup> the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;

There are not more than 12 blemished units per 12 ounces, drained weight, of units<sup>2</sup> of which not more than 6 units are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long in cut style.<sup>2</sup>

(b) *Sliced lengthwise or french style.* "Fairly free from defects" means that the pods are fairly well sliced and the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units\* and

There are not more than 12 blemished units per 12 ounces, drained weight, of the units\* of which not more than 6 units are seriously blemished.

(c) *Short cuts.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent, drained weight, of the units<sup>2</sup>; the combined weight of all other defects and defective units does not exceed 20 per-

cent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units<sup>2</sup>;

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units<sup>2</sup>; and

There are not more than 12 blemished units per 12 ounces, drained weight, of the units<sup>2</sup> of which not more than 6 units are seriously blemished.

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11, 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141) as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule)

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(a) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(b) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(c) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity\* and not more than 2 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structures; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 5 percent by count of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly

mature and fairly tender" means that the pods may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 15 percent, by weight, of seed and pieces of seed;<sup>2</sup>

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;<sup>2</sup> and

Not more than 10 percent, by count, of the units may possess tough strings except that in case there are present units at least ¾ inch in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.<sup>2</sup>

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR 51.11, 12 F. R. 1140) or the standard of quality of canned wax beans (21 CFR 51.16; 12 F. R. 1141) as the case may be, shall not be graded above U. S. Grade D—Below standard in quality good food—not high grade, or Substandard—Below standard in quality good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned green beans or canned wax beans.*

Container size.....	
Container code or marking.....	
LABEL	
Net weight (in ounces).....	
Vacuum (in inches).....	
Drained weight (in ounces).....	
Type (round or flat).....	
Variety (green or wax).....	
Style.....	
Size of green beans or wax beans.....	

\* Determined as outline in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16), promulgated under the Federal Food, Drug, and Cosmetic Act.

Factors	Score points
I. Clearness of liquor.....	10 (A) 9-10 (B) 7-8 (C) 5-6 (D) 1 0-4
II. Color.....	15 (A) 14-15 (B) 12-13 (C) 10-11 (D) 1 0-9
III. Absence of defects.....	35 (A) 32-35 (B) 27-31 (C) 22-26 (D) 1 0-21
IV Maturity.....	40 (A) 35-40 (B) 29-34 (C) 23-28 (D) 1 0-22
Total score.....	100
Grade.....	
Normal flavor and odor.....	

<sup>1</sup> Indicates limiting rule within classification.

(1) *Effective time and supersedure.* The United States Standards for Grades of Canned Green Beans and Canned Wax Beans (which are the third issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., this 21st day of August 1947.

[SEAL] RALPH S. TRIGG,  
Acting Administrator Produc-  
tion and Marketing Admin-  
istration.

[F. R. Doc. 47-7990; Filed, Aug. 26, 1947;  
8:51 a. m.]

### Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

#### PART 322—IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

##### PREVENTION OF INTRODUCTION OF ISLE OF WIGHT OR ACARINE DISEASE

Pursuant to the provisions of section 1 of the act of August 31, 1922 (42 Stat. 833; 7 U. S. C. 281 et seq.) regulating the importation of adult honeybees into the United States, and of the regulations issued thereunder on May 12, 1923 by the Secretary of the Treasury and the Secretary of Agriculture (7 CFR 322.1 to 322.6, inclusive) together with the special rules issued by the Secretary of Agriculture on June 19, 1923 (7 CFR 322.7 et seq.), and in accordance with the requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) a notice of proposed rule making was published in the FEDERAL REGISTER on July 18, 1947 (12 F. R. 4790) concerning a proposed amendment to the regulations by revocation of regulation 4 (7 CFR 322.4) and the special rules (7 CFR 322.7 et seq.) After consideration of the proposals set forth in the aforementioned notice, and all relevant matters, it is hereby found and determined that:

(1) The existing regulations and special rules are inadequate to prevent the introduction into the United States of Isle of Wight, or acarine, disease;

(2) The introduction of such disease will endanger the American beekeeping

industry with attendant dangers to American agriculture;

(3) The revocation of regulation 4 (7 CFR 322.4) and the special rules (7 CFR 322.7 et seq.) will benefit such beekeeping industry and is in the public interest;

(4) The said regulations as hereby amended, and all of the terms and conditions of said regulations as hereby amended, will tend to effectuate the declared policy of the act; and

(5) Compliance with the effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable, unnecessary and contrary to the public interest in that immediate revocation of the aforesaid regulation and special rules is necessary in order to prevent the introduction of queen-bees infected with the Isle of Wight, or acarine, disease during the present shipping season now under way.

It is, therefore, ordered, That, from and after the effective date hereof:

(1) The regulations in this part governing the importation of adult honeybees into the United States shall be amended by revoking regulation 4 (§ 322.4) and redesignating regulation 5 (§ 322.5) and regulation 6 (§ 322.6) to read, respectively, § 322.4 and § 322.5; and

(2) The special rules in this part issued June 19, 1923 (7 CFR 322.7-322.10, inclusive) are revoked.

This order shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of August 1947.

(42 Stat. 833; 7 U. S. C. 281 et seq.)

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-7988; Filed, Aug. 26, 1947;  
9:20 a. m.]

### Chapter IV—Production and Marketing Administration (Crop Insurance)

[Amdt. 1]

#### PART 400—FEDERAL CROP INSURANCE CORPORATION

Part 400, Chapter IV 7 CFR, is hereby revised and amended in its entirety to read as follows:

##### SUBPART A—ORGANIZATION

- Sec. 400.1 Creation.
- 400.2 Stock.
- 400.3 Board of Directors.
- 400.4 Management.
- 400.5 Central Office.
- 400.6 State crop insurance directors.
- 400.7 Availability of information and records.

##### SUBPART B—FUNCTIONS AND PROCEDURES

#### 400.10 Crops insured.

AUTHORITY: §§ 400.1 to 400.10, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C., Sup. 1002, 1011.

##### SUBPART A—ORGANIZATION

§ 400.1 *Creation.* The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop

Insurance Act (7 U. S. C. 1501 et seq.) The Corporation is a part of the United States Department of Agriculture and its operations are under the supervision and control of the Secretary of Agriculture.

§ 400.2 *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

§ 400.3 *Board of Directors.* The Federal Crop Insurance Act provides that the Board of Directors shall consist of the manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

§ 400.4 *Management.* The management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

§ 400.5 *Central Office—(a) General.* The principal office of the Federal Crop Insurance Corporation is at Washington 25, D. C., in the South Agriculture Building. It consists of the Office of the Manager of the Corporation, the Program Development Division, the Underwriting Division, the Finance Division, the Administrative Division, the Sales Promotion Unit, and the Loss Adjustment Unit. In addition, the branch office, although located in the field, is part of the central office.

(b) *Manager.* Under the general supervision of the Board of Directors and within established policies, the Manager has final authority for the executive direction of the Corporation's programs and activities both in Washington and in the field. He determines or approves methods and procedures to be used, coordinates the activities of the Corporation with that of the cooperating agencies and is responsible for commodity operations of the Corporation. In the office of the Manager there are area directors who assist in the supervision of the field activities.

(c) *Divisions and units.* The divisions and units are as follows:

(1) *Program development division.* Develops plans for annual program changes on each commodity and plans for insurance on new commodities; develops insurance contracts and regulations; develops procedures for the writing of insurance, the determination of acreage and other contract terms, the adjustment of losses and the collection of premiums, makes economic and statistical analysis of the program and proposals for changes; develops and maintains current information on the volume of insurance.

(2) *Underwriting division.* Estimates the amount of risk to which the Corpora-



tion may be subjected for the amounts of insurance and other terms of the contract; develops the actuarial basis for the insurance and prepares the actuarial tables; prepares procedures for field determination of amounts of insurance and premium rates; gives technical assistance to State Directors in connection with actuarial and underwriting phases of the crop insurance program.

(3) *Finance division.* Plans and directs or performs the fiscal activities of the Corporation relative to receipt of premiums and payment of indemnities and for administrative funds and their expenditure. Plans and directs or performs the necessary accounting. Prepares financial reports.

(4) *Administrative division.* Plans and directs or performs the administrative management work of the Corporation including personnel management, organization analyses, property and supply management and records and communications management.

(5) *Sales promotion unit.* Plans, coordinates, promotes and assists in sales and public information activities.

(6) *Loss adjustment unit.* Plans, directs and coordinates loss adjustment work and reviews unusual claims for loss. Devises policies and procedures for selection and training of loss adjusters.

(d) *Branch office.* The branch office of the Corporation is located at 623 South Wabash Avenue, Chicago 5, Illinois. This office serves all states. Under the immediate supervision of the Manager, this office performs the audit and accounting functions relating to crop insurance contracts, receives and maintains files of the insurance contracts and related documents, receives premiums and processes indemnity claims. The branch office manager has final authority to determine the amount of premium due, to approve indemnity claims and to cancel or adjust debts (6 CFR, Part 01).

#### § 400.6 State crop insurance directors.

(a) These directors are located as follows and serve the State where located except where additional States are listed:

AAA Building, Auburn, Alabama, for Alabama and Florida; 415 First Street, S. Phoenix, Arizona; 108½ West 3d Street, Little Rock, Arkansas; 2288 Fulton Street, Berkeley, California, for California and Nevada; 225 West Oak Street, Ft. Collins, Colorado, for Colorado and Wyoming; Old Post Office Building, Athens, Georgia; Room 317 Yates Building, 103 South 9th Street, Boise, Idaho; Second Floor Standard Building, 124 South Water Street, Decatur 12, Illinois; 105 South Meridian Street, Room 300 Big Four Building, Indianapolis 9, Indiana; 1101 Walnut Street, Des Moines 7, Iowa; 417-419 Humboldt Street, Manhattan, Kansas; Mill and Maxwell Streets, Lexington, Kentucky; P. O. Box 8597, University Station, Baton Rouge, Louisiana; Rossborough Inn, University of Maryland, College Park, Maryland, for Maryland, Delaware, and West Virginia; 200 North Capitol Avenue, Lansing 4, Michigan; Room 1130 Main P. O. Building, Box 3110, St. Paul 1, Minnesota, for Minnesota; 1130 West Capitol Street, Box 1251, Jackson, Mississippi; IOOF Building, 10th and Walnut Streets, Columbia, Missouri; Armory Building, 24 West Mendenhall Street, Bozeman, Montana; 304 Trust Building, 10th and O Streets, Box 793, Lincoln 1, Nebraska; Regulatory Building, State College, New Mexico; AAA Building, College Station, Raleigh, North Carolina; 304 deLendrecie Building, Fargo, North Dakota;

Room 224 Old Federal Building, South State and East Third Streets, Columbus 16, Ohio; 6th and Main Streets, Stillwater, Oklahoma; 6th Floor, Eastern Building, 516 SW, 10th Street, Portland 5, Oregon; 923 North Third Street, Harrisburg, Pennsylvania, for Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts; Knowlton Building, 1615 Hampton Street, Columbia, South Carolina; 66 Third Street SE, Huron, South Dakota; 152 Fourth Avenue North, Nashville, Tennessee; AAA Building, College Station, Texas; Old Terminal Building, 223 S.W. Temple Street, Salt Lake City, Utah; 609 East Main Street, Richmond 19, Virginia; P. O. Box 1491, 3d Floor Hutton Building, Spokane 8, Washington; 14 East Dayton Street, Oxford Building, Madison 3, Wisconsin.

(b) Under the immediate supervision of the office of the Manager of the Corporation, the State crop insurance director reviews and accepts or rejects applications for crop insurance, supervises and reviews the adjustment of losses, provides information concerning crop insurance and in general represents the Corporation in the State. The State Director is assisted by district supervisors who in turn supervise part-time adjusters. State directors have final authority to approve amounts of insurance and premium rates. Field work in connection with establishing amounts of insurance per acre and premium rates, the sale of insurance, obtaining reports of insured acreage and collecting premiums, is performed under the supervision of the State crop insurance director.

§ 400.7 *Availability of information and records.* Any person desiring information with respect to crop insurance should request such information from the State Director for the particular State involved or from the Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington 25, D. C. Records of the Corporation, including those maintained in the field offices, are available for examination in accordance with the rules and designation of records issued by the Secretary (7 CFR, Part 2100).

#### SUBPART B—FUNCTIONS AND PROCEDURES

§ 400.10 *Crops insured.* (a) In 1947 and prior years, the Federal Crop Insurance Act (7 U. S. C. §§ 1501-1519) authorized the Corporation to insure, without limitation as to number of counties, producers of wheat, cotton, and flax, against loss in yields due to unavoidable causes, and, for the purpose of determining the most practical plans, terms, and conditions of insurance, to insure on a trial basis, in not more than 20 counties for each commodity, any other agricultural commodity, if sufficient actuarial data are available as determined by the Board. On the latter basis, corn and tobacco are presently insured. Commencing in 1948, by virtue of Public Law 320, 80th Congress, all commodities will be insured on a trial basis. Insurance of wheat will be limited to 200 counties, cotton to 56 counties, corn and flax to 50 counties each, and tobacco to 35 counties. Any other commodity insured will be limited to not more than 20 counties. Two new commodities may be insured in 1948, but in 1949 and thereafter three new commodities may be insured each year.

(b) Regulations governing the wheat, cotton, flax, corn and tobacco programs may be found as follows: Cotton (7 CFR Part 419), Flax (7 CFR Part 415) Corn (7 CFR Part 416) Tobacco (7 CFR Part 417) and Wheat (7 CFR Parts 414 and 418).

Issued this 21st day of August 1947.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Dec. 47-8001; Filed, Aug. 28, 1947; 8:51 a. m.]

#### Chapter XXI—Organization, Functions and Procedure

##### PART 2323—FEDERAL CROP INSURANCE CORPORATION

###### REVOCATION

Part 2323, 7 CFR, Subtitle C, Chapter XXI, is hereby revoked.

Issued this 21st day of August 1947.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Dec. 47-8002; Filed, Aug. 28, 1947; 8:51 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

#### Chapter I—Immigration and Naturalization Service, Department of Justice

##### Subchapter B—Immigration Regulations

##### PART 110—PRIMARY INSPECTION AND DETENTION

AIRPORTS OF ENTRY: REVOCATION OF DESIGNATION OF DINNER KEY SEAPLANE BASE, MIAMI, FLA., CHANGES IN DESIGNATION OF HAVRE-HILL COUNTY AIRPORT, HAVRE, MONT., JOHN G. HINDE AIRPORT, SANDUSKY, OHIO; AND WATERTOWN MUNICIPAL AIRPORT, WATERTOWN, N. Y.

AUGUST 20, 1947.

Section 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations is hereby amended in the following respects:

1. Section 110.3 (a) is amended by deleting "Miami, Fla., Dinner Key Seaplane Base" from the list of permanent airports of entry for aliens.

2. Section 110.3 (a) is further amended by making the following insertions in the list of permanent airports of entry for aliens: "Havre, Mont., Havre-Hill County Airport" between "Fairbanks, Alaska, Weeks Municipal Airfield" and "Juneau, Alaska, Juneau Airport"; "Sandusky, Ohio, John G. Hinde Airport" between "San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)" and "San Juan, P. R., Isla Grande Airport"; and "Watertown, N. Y., Watertown Municipal Airport" between "Swanton, Vt., Warren R. Austin Airport" and "West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park)."

3. Section 110.3 (b) is amended by making the following deletions from the list of temporary airports of entry for aliens: "Havre, Mont., Havre-Hill County

Airport"; "Sandusky, Ohio, John G. Hinde Airport" and "Watertown, N. Y., Watertown Municipal Airport."

Notice of the proposed revocation of the designation of Dinner Key Seaplane Base, Miami, Florida, as a permanent airport of entry for aliens, and changes in designation of Havre-Hill County Airport, Havre, Montana; John G. Hinde Airport, Sandusky, Ohio; and Watertown Municipal Airport, Watertown, New York, from temporary to permanent airports of entry for aliens was published in the FEDERAL REGISTER dated June 28, 1947 (12 F. R. 4232), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003)

The revocation of the designation of Dinner Key Seaplane Base shall be effective August 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reason that the revocation of the designation of this seaplane base as a customs airport of entry was effective August 1, 1947 (12 F. R. 4174). The revocation of the designation of this airport is based on the fact that the site in which the seaplane base was located is no longer available for use by seaplanes.

Changes in designation of Havre-Hill County Airport, John G. Hinde Airport, and Watertown Municipal Airport from temporary to permanent airports of entry for aliens shall be considered as having become effective on June 1, 1947, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with for the reasons that (1) the redesignation of these airports as customs airports of entry became effective on June 1, 1947, and (2) the changes in designation have no effect on the type of service rendered to the public at these airports by the Immigration and Naturalization Service. The changes in designation of these airports are for the purpose of aligning the designations with redesignations of the same airports made for customs purposes (12 F. R. 4174)

(Sec. 7 (d) 44 Stat. 572, 54 Stat. 1238; 49 U. S. C. 177 (d) 5 U. S. C. 133t)

DOUGLAS W. MCGREGOR,  
*Acting Attorney General.*

Recommended:

UGO CARUSI,  
*Commissioner of Immigration  
and Naturalization.*

[F. R. Doc. 47-7992; Filed, Aug. 26, 1947;  
8:51 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

#### Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt.]

#### PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

##### HORSES

Pursuant to the authority vested in the Secretary of Agriculture by section

201, paragraph 1606, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U. S. C., sec. 1201, par. 1606) paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365) is amended, effective thirty days from the date of publication hereof in the FEDERAL REGISTER, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

##### HORSES

*Name of Breed, Book of Record, and by Whom Published*

Thoroughbred—Stud Book de Chile—Club Hipico de Santiago, Fermin Donoso D., Secretary, Santiago, Chile

(46 Stat. 673; 19 U. S. C. 1201, par. 1606)

Done at Washington, D. C. this 21st day of August 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 47-8000; Filed, Aug. 26, 1947;  
8:50 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 04b-6]

#### PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945

##### AIR CARRIER GYROSCOPIC BANK AND PITCH INDICATOR

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1947.

Part 04b of the Civil Air Regulations currently requires under §§ 04b.51 (a) (5) that all airplanes subject to certification under this part be equipped with a nonupsetting type gyroscopic bank and pitch indicator. Service experience with instruments of this type has not been sufficiently extensive to warrant a requirement that this type be installed to the exclusion of other types which, while not completely upsetting, have shown satisfactory service characteristics over a long period of time. It appears, therefore, that safety would be served equally well if instruments which are currently used in airplanes certificated under other airworthiness parts of the Civil Air Regulations are allowed to be used for the present.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and full consideration has been given to all relevant matters presented. Since this is an amendment relieving restriction, good cause exists for making it effective without delay.

Pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) 601, and 603 thereof, the Civil Aeronautics Board hereby amends §§ 04b.51 (a) (5) of the Civil Air Regulations (14 CFR, 04b.51 (a) (5) as amended) as follows:

Effective August 19, 1947, § 04b.51 (a) (5) is amended by deleting therefrom the words "(nonupsetting type)"

(52 Stat. 984, 1007, 1009; 49 U. S. C. 425, 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
*Secretary.*

[F. R. Doc. 47-7966; Filed, Aug. 26, 1947;  
8:51 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VII—Housing and Home Finance Agency

#### PART 703—PUBLIC WAR HOUSING

##### DISPOSITION OF FEDERALLY OWNED PERMANENT WAR HOUSING

- |        |   |
|--------|---|
| Sec.   | Purpose.                                      |
| 703.51 | Responsibilities with respect to disposition. |
| 703.52 | Consultation with local governments.          |
| 703.53 | General policies.                             |
| 703.54 | Preferred purchasers; general.                |
| 703.55 | Preferred purchasers; order of preference.    |
| 703.56 | Preferred purchasers; sales procedures.       |
| 703.57 | Sales to non-preferred purchasers.            |
| 703.58 | Conditions of sale.                           |
| 703.59 | Demountable housing.                          |
| 703.60 | Disposition of non-dwelling structures.       |
| 703.61 | Vacant land.                                  |
| 703.62 | Minority racial groups.                       |
| 703.63 | Exceptions.                                   |
| 703.64 | Definitions.                                  |
| 703.65 | Savings clause.                               |
| 703.66 |   |

AUTHORITY: §§ 703.51 to 703.66, inclusive, issued under 54 Stat. 872, 883, as amended, 54 Stat. 1125, as amended, 55 Stat. 14, 55 Stat. 197, 198, 55 Stat. 810, 818, 59 Stat. 613; 42 U. S. C. Sup. 1521, 5 U. S. C. Sup. 133y; Reorganization Plan No. 3 of 1947, 12 F. R. 4981.

§ 703.51 *Purpose*—(a) *General.* These §§ 703.51 to 703.66, inclusive, provide for the disposition of permanent war housing acquired or constructed under the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521), Public Law 781, 76th Congress, as amended (54 Stat. 872, 883, as amended), and Public Laws 9, 73, and 353, 77th Congress (Temporary Shelter Acts), 55 Stat. 14, 198, 818) except that they shall not apply to housing provided by the Home Owners' Loan Corporation or the Federal Public Housing Authority under the Homes Use Conversion Program.

(b) *Veterans' preference.* These §§ 703.51 to 703.66, inclusive, are a revision of and supersede §§ 703.24 and 703.25 and other portions of §§ 703.20 to 703.31, inclusive, 11 F. R. 117 (NHA Regulation No. 60-13B) in so far as they relate to permanent war housing. It is the purpose of this revision to prescribe the conditions under which permanent war housing will be disposed of and particularly the preference to be given veterans and servicemen, and their families, in the disposition of such housing.

§ 703.52 *Responsibilities with respect to disposition*—(a) *Termination.* The Office of the Administrator shall determine when permanent projects or parts thereof are no longer needed in the interest of the orderly demobilization of the war effort and will then terminate such projects or parts thereof, thereby making them available for disposition.



(b) *Execution.* The Public Housing Administration shall be responsible for executing the disposition program, in accordance with applicable laws and these §§ 703.51 to 703.66, inclusive, and subject to the direction and supervision of the Administrator.

§ 703.53 *Consultation with local governments—(a) General.* Formal discussions with representatives of local governments regarding disposition problems shall be initiated sufficiently in advance of the disposition of projects in their localities so that local governmental agencies will have adequate prior opportunity to study such problems, reach agreements within the community, and prepare recommendations regarding disposition programs. Where more than one unit of local government is affected by the disposition, joint consultation shall be sought.

(b) *FHA participation.* The FHA State or District Office serving the locality shall be informed concerning disposition discussions and plans and shall be invited to participate in the discussions with the local governments with respect to the formulation of locality disposition programs.

(c) *Local recommendation.* The Public Housing Administration shall follow the recommendations of the representatives of the local government insofar as practicable, subject to the provisions of applicable law, the policies stated in these §§ 703.51 to 703.66 inclusive, and considerations of an equitable return to the Government.

§ 703.54 *General policies—(a) Termination.* Permanent war housing projects or parts thereof shall be terminated as rapidly as possible. No exceptions to termination shall be permitted to continue unless approved by the Administrator.

(b) *Timing of disposition.* All terminated permanent war housing shall be disposed of as rapidly as possible consistent with the public interest, the obtaining of an equitable return of the Government's investment, and with the other policies established by these §§ 703.51 to 703.66, inclusive.

(c) *Disposition for private residential purposes.* In accordance with the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521) permanent war housing shall (subject to the provisions of § 703.54 (e) and (f)) be sold for private residential purposes.

(d) *Subdivision of projects.* In order to encourage home ownership, and facilitate participation in the disposition program by small investors, projects being offered for sale shall be subdivided into the smallest feasible units of sale consistent with a practicable plan for their disposition.

(e) *Transfers to War or Navy Departments.* Under section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. Sup. 1541), the Administrator may, in his discretion, upon the request of the Secretaries of War or Navy transfer to the jurisdiction of the War or Navy Departments such war housing as may be considered to be permanently useful to the Army or Navy.

Such transfers shall be made only (1) if the request therefor was made on or before July 1, 1947, and (2) if the project is situated within the proximate vicinity of a permanent Army or Navy establishment.

(f) *Local community requests for low rent use.* Section 4 of the Lanham Act, as amended (54 Stat. 1127, as amended; 42 U. S. C. Sup. 1541), provides that housing projects constructed under that act shall not, unless specifically authorized by the Congress, be conveyed to any public or private agency organized for slum clearance or to provide subsidized housing for persons of low income. Where the governing body of the community has requested, on or before July 1, 1947, that any such project be made available to the community for low rent housing purposes, the Public Housing Commissioner may temporarily reserve the project from other disposition. Before December 31, 1947, such requests, together with the recommendations of the Public Housing Commissioner, shall, in order to give the Congress appropriate opportunity to consider the local community requests, be transmitted to the Administrator who will determine whether the projects shall be further reserved.

§ 703.55 *Preferred purchasers; general.* Whenever feasible, dwellings shall be offered for sale to persons (or groups of persons) who intend to occupy the dwellings, with preference to veterans as hereinafter provided, prior to their being offered for sale to purchasers for investment purposes. Such persons shall be treated as preferred purchasers and shall be given an opportunity to purchase the dwellings at fixed prices determined, with the cooperation of the Federal Housing Administration, on competent appraisal on the basis of long-term value. For purposes of carrying out this policy, a person who desires to purchase a multi-family dwelling and who intends to occupy one of the dwelling units shall be deemed to be a preferred purchaser, except that this provision shall not apply to multi-family dwellings containing more than 4 dwelling units.

§ 703.56 *Preferred purchasers; order of preference—(a) Preference classes.* Preferred purchasers shall be classified in the following order of preference:

*Class 1.* A veteran who occupies a dwelling unit in the dwelling to be sold and intends to continue to occupy such unit.

*Class 2.* A veteran who intends to occupy a dwelling unit in the dwelling to be sold.

*Class 3.* A non-veteran who occupies a dwelling unit in the dwelling to be sold and intends to continue to occupy such dwelling unit.

The Public Housing Administration is further authorized, where it finds it is in the public interest to do so, to establish a Class 4 preference group to consist of non-veterans intending to occupy dwelling units in the dwellings to be sold.

(b) *Sub-classes.* Where necessary to afford equitable treatment to tenants who are displaced from the dwellings they occupy as a result of the application of

the provisions of § 703.56 (a) or where otherwise appropriate, the Public Housing Administration is authorized to establish special preference classifications within a preference class.

§ 703.57 *Preferred purchasers; sales procedures—(a) General.* Veterans and other occupants of each project shall be given as much advance informal notice as is feasible concerning the proposed method and the approximate date of disposition of the project. In general, sales procedures shall be designed, through public notice and such other procedures as the Public Housing Administration may find appropriate, to provide adequate opportunity to preferred purchasers to exercise their preference rights.

(b) *Separate sales of dwellings containing one to four family dwelling units.* Procedures covering the separate sale to preferred purchasers of dwellings which contain one to four dwelling units shall provide for time schedules in which preferred purchasers may register their intent to purchase, for appropriate deposit of earnest money, for selection of units, and for making of final commitments to purchase. Such procedures shall be established with a view to facilitating the disposition of war housing as rapidly as practicable, consistent with giving preferred purchasers an adequate opportunity to participate in the disposition program and consistent with the other policies provided for by these §§ 703.51 to 703.66, inclusive. Toward this end, such procedures shall (1) provide a minimum period of not less than 30 days in which preferred purchasers in Class 1 may exercise (through registration of intent to purchase or other appropriate means prescribed by the Public Housing Administration) their preference right; (2) provide a maximum period not exceeding 60 days in which preferred purchasers may exercise their preference rights; and (3) provide that preferred purchasers in any class shall continue to have preference over members in a class of lower preference status for any available dwelling units during the period or periods in which members of the classes of lower preference status shall have the right to exercise their preference rights.

(c) *Sale of multi-family dwellings containing five or more dwelling units, and group sale of dwellings.* (1) Where it is not feasible or consistent with a practicable plan of disposition, or with the effectuation of the purposes of the preference provisions of §§ 703.56 and 703.57, to subdivide a project for the separate sale to individuals of dwellings in the project, adequate opportunity may be given, as hereinafter provided, to groups of preferred purchasers to purchase a multi-family dwelling, a group of dwellings, or an entire project, consistent always with a practicable plan for disposition of the project.

(2) If within 30 days following the announcement of the prices of the multi-family dwelling, group of dwellings, or project being offered, a group composed of preferred purchasers in sufficient number to occupy a reasonable percentage of the dwelling units involved, submits a plan of purchase acceptable to the

Public Housing Administration, which plan shall be accompanied by an earnest money deposit prescribed by the Public Housing Administration and provide a reasonable time schedule for the completion of the purchase in relation to the number of dwelling units involved (which time period shall in no event exceed six months following the end of the original 30 day offering period) the multi-family dwelling, group of dwellings, or project, as the case may be, shall be reserved from other disposition for the period covered by the time schedule in order to give the preference group an opportunity to complete the purchase. Such reservation shall be conditioned on the adherence to the time schedule accepted by the Public Housing Administration. The original reservation period may be extended only with the approval of the Administrator.

(d) *Competing preference purchasers in same preference class.* The Public Housing Administration shall provide an equitable method for selecting the purchasers, which shall be designed best to effectuate the order of preferences provided in § 703.56, to apply where preferred purchasers (or groups of preferred purchasers) in the same preference class or containing members in the same preference class compete with each other.

§ 703.58 *Sales to non-preferred purchasers.* Sales to other than preferred purchasers shall be on a competitive basis after adequate public advertisement.

§ 703.59 *Conditions of sale.* Agreements to sell housing to private purchasers shall be designed to effectuate the following policies:

(a) *Terms.* All sales shall be for cash, with such financing as may be required to be secured in the private financing market under the provisions of section 610 of the National Housing Act (Public Law 366, 80th Congress) or otherwise.

(b) *Eviction of existing occupants.* The right of the purchaser to evict an existing occupant shall be subject only to applicable Federal, State, and local laws, except that no such occupant shall be evicted without having first been given 90 days' written notice to vacate.

(c) *Rents.* Rents shall be subject to control only under applicable Federal, State, or local laws.

(d) *Prices in case of resale.* For a period of one year after the date of original sale, no housing sold to preferred purchasers pursuant to these §§ 703.51 to 703.66, inclusive, may be resold for an amount in excess of the original sales price plus the actual costs of any improvements made, the amount of any normal and customary brokerage fees or commissions actually paid in connection with the sale being made, and the costs of transfer paid by the seller.

(e) *Veterans' preference in case of subsequent sale or rental.* Until January 1, 1950, first preference in resale, rental or subrental of dwelling units shall be given to veterans. Such preference shall be deemed to be complied with only if the unit being sold or becoming available for rental is publicly offered in good faith for sale or rent to veterans for a period of at least 30 days at a sale

or rental no higher than that at which it is later offered (or for which it is later sold or rented) to other than a veteran.

§ 703.60 *Demountable housing—(a) On-site sales.* When sold for on-site use, demountable dwelling structures shall be disposed of in the same manner as other housing to which these §§ 703.51 to 703.66, inclusive, apply.

(b) *Off-site sales.* Demountable structures to be sold for off-site use shall be transferred or sold to meet veterans' needs with the following order of preferences to purchasers: (1) Federal agencies, local public bodies, or educational institutions, (2) individual veterans, and (3) others who will purchase the housing in marketable quantities and remove and sell or rent the housing to veterans. When it deems such action to be in the public interest, the Public Housing Administration may alter the foregoing order of preference for the purpose of giving a first preference to individual veterans. The agreement of transfer or sale shall provide that transferees, purchasers, and subsequent owners shall give first preference to veterans in the sale or rental of the dwellings until January 1, 1950, and shall abide by appropriate restrictions concerning resale prices, rents, and use of the dwellings.

§ 703.61 *Disposition of non-dwelling structures.* Non-dwelling structures located in projects containing permanent housing may be sold with the dwelling units or separate from the dwelling units dependent upon the effect of the sale of the non-dwelling buildings on the dwellings and the best financial interest of the Government.

§ 703.62 *Vacant land.* Any vacant land held in fee which is no longer needed shall be declared as surplus to the War Assets Administration for appropriate disposition.

§ 703.63 *Minority racial groups.* No provision contained in these §§ 703.51 to 703.66, inclusive, shall be construed or administered to require the sale or disposition of any housing occupied or assigned for occupancy by members of any minority racial group, in such a manner that such housing would not continue to be available for occupancy by members of such minority group.

§ 703.64 *Exceptions—(a) Prior commitments.* In any case where, prior to the effective date of these §§ 703.51 to 703.66, inclusive, the Public Housing Administration has entered into negotiations for the disposal of permanent war housing, and such negotiations may have resulted in a commitment to dispose of housing in a manner other than provided in these §§ 703.51 to 703.66, inclusive, such case shall be presented to the Administrator for determination whether there exists a commitment which would exempt the transaction from the provisions of these §§ 703.51 to 703.66, inclusive.

(b) *Waivers.* In any case where the Public Housing Administration believes that compliance with any provisions of these §§ 703.51 to 703.66, inclusive, would result in an exceptional and unreasonable hardship to any person or would be contrary to the public interest, the facts concerning such case shall be presented

to the Administrator for determination as to whether such provisions should be modified or waived.

§ 703.65 *Definitions—(a) Permanent war housing.* As used in these §§ 703.51 to 703.66, inclusive, the term "permanent war housing" shall include (1) all housing acquired or constructed under the Lanham Act, as amended (54 Stat. 1125, as amended; 42 U. S. C. Sup. 1521), and Public Law 781, 76th Congress, as amended (54 Stat. 872, 883, as amended), except housing determined to be of a temporary character pursuant to section 313 of the Lanham Act (54 Stat. 1125, as amended by 57 Stat. 388; 42 U. S. C. Sup. 1553) and NHA General Order No. 21-29A (§§ 751.23 to 751.26, inclusive, 11 F. R. 177A-860, redesignated § 751.13, 12 F. R. 2088) and housing converted by the Home Owners' Loan Corporation and the Federal Public Housing Authority under the Homes Use Conversion Program, and (2) such housing acquired or constructed under Public Laws 9, 73 and 353, 77th Congress, (Temporary Shelter Acts), (55 Stat. 14, 198, 818), as is not declared to be of a temporary character pursuant to said NHA General Order No. 21-29A.

(b) *Veteran.* As used in these §§ 703.51 to 703.66, inclusive, the term "veteran" shall include (1) a person (or his family) who has served in the military or naval forces of the United States for any period of time on or after September 16, 1940, and prior to the termination of the present war and who has been discharged or released therefrom under conditions other than dishonorable, (2) a person (or his family) serving in the active military or naval forces of the United States, and (3) the family of a person who served in the military or naval forces of the United States on or after September 16, 1940, and prior to the termination of the present war and who died in service.

§ 703.66 *Savings clause.* Nothing in these §§ 703.51 to 703.66, inclusive, shall be construed to affect or impair any contract, remedy, right, or obligation which has accrued or will accrue by virtue of or pursuant to action previously taken under any regulation, order, operating instruction, or manual issuance in effect prior to these §§ 703.51 to 703.66, inclusive.

Issued this 27th day of August 1947.

[SEAL] RAYMOND M. FOLEY,  
Administrator

[F. R. Doc. 47-8019; Filed, Aug. 28, 1947;  
8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter XXIII—War Assets Administration

[Reg. 2, Order 9]

#### PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

#### NATIONAL AND REGIONAL VETERANS SET-ASIDE LISTS

#### Correction

In F. R. Document No. 47-7847 appearing in the issue for Wednesday, August

20, 1947, the following corrections are made to Exhibit B.

1. Zone IV is corrected as follows: In the first column on page 5593, "Denver Region No. 9" should be inserted immediately above the item "Motors: Electric; under 1 HP \* \* \*"

2. Zone VI is corrected as follows:

a. In the third column on page 5594 "Salt Lake City Region No. 30" is inserted immediately above the item "Compressors, air, single acting \* \* \*"

b. In the first column on page 5596 "San Juan Puerto Rico Region No. 36" is inserted immediately above the item "Truck tractor \* \* \*"

c. In the second column on page 5596 the heading "Honolulu, T. H. Region No. 35—Continued" should read "San Juan Puerto Rico Region No. 36—Continued"

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

#### NANTAHALA NATIONAL FOREST, N. C.

#### AGREEMENT OF TRANSFER OF CERTAIN LANDS FROM TENNESSEE VALLEY AUTHORITY TO FOREST SERVICE<sup>1</sup>

This agreement of transfer, made and entered into this 24th day of February 1947, by and between Tennessee Valley Authority, a corporation organized and existing under and by virtue of an Act of Congress known as the Tennessee Valley Authority Act of 1933, as amended (hereinafter called "Authority") and United States Department of Agriculture, for the use and benefit of the Forest Service of the Department of Agriculture (hereinafter called "Department")

Witnesseth: Whereas, in carrying out its land acquisition program for its Fontana Project, the Authority, as agent of the United States of America, in order to provide reservoir protection, mitigate severance damages, and reduce road relocation costs, has acquired certain tracts of land above the area actually to be inundated by said projects; and

Whereas, certain of the lands so acquired by the Authority are located entirely within the boundaries of the Nantahala National Forest as proclaimed by the President of the United States, and the Department is authorized and desires to obtain the right of possession, control, and custody of said lands and to administer the same as part of the national forest; and

Whereas, no permanent dam, hydroelectric power plant, fertilizer plant, or munitions plant is located on said lands, and the use and administration of said lands by Department as a part of said Forest, as herein provided, will be entirely consistent with the purposes for which said lands were acquired by the Authority

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, the Authority and the Department, subject to the approval of the President of the United States, covenant and agree as follows:

1. Authority, subject to the conditions, exceptions, and reservations herein contained, hereby assigns and transfers to Department, for the use and benefit of the Forest Service, and for inclusion in the Nantahala National Forest, the right of possession and all other right, title or interest which the Authority may have in and to the following lands:

Approximately 5,603 acres of land situated on the south side of Fontana Reservoir in Graham and Swain Counties, North Carolina, said land being described in the schedule which is attached to and hereby made a part of this agreement as Appendix A, and being shown colored in purple cross-hatched yellow on Map 19 MS 453 K 505 B 3 attached and made a part of this agreement as Appendix B.<sup>2</sup>

2. In addition to the interests assigned and transferred under Section 1, the Authority shall and does hereby give and grant to the Department, its agents, servants, and invitees, the right of access to and use of all lands of the United States in the Authority's custody lying between the land covered by said Section 1 and the low-water mark on Fontana Lake, for the purpose of constructing and maintaining thereon boating and recreational facilities, piers, docks, and related equipment and of performing all other acts which may be reasonably necessary to the administration and use, as part of the Nantahala National Forest as herein provided, of the lands described in Section 1.

3. All of the interests and rights assigned, transferred, and granted by the Authority to the Department under Sections 1 and 2 hereof are assigned, transferred, and granted subject to the following rights, which are hereby expressly reserved to and retained by the Authority: (a) the unrestricted right in perpetuity to make whatever changes may be necessary or desirable in the facilities for the storage, use, or distribution of water and to construct, maintain, and operate such additional structures and facilities as it may deem necessary to carry out its program of flood control by water storage in the Little Tennessee River and its tributaries and Tuckasee River, navigation, and incidental power, as authorized by the Tennessee Valley Authority Act of 1933, as amended; (b) the right of ingress and egress at all times to and from any point in its reservoir; (c) the right to operate the reservoir and fluctuate the water level thereof at any time and to any height; (d) the right to enter upon any part of the above-described land and perform any acts which it may deem necessary for the furtherance of malaria control and shore line sanitation; (e) the right to maintain and operate any electric power transmission and distribution lines, telephone and telegraph lines, and other facilities now owned by it and located on the lands above-described, together with the right to construct, operate, and maintain such additional transmission, distribution, telephone and telegraph lines and other facilities on said lands as it may hereafter deem neces-

sary. It is understood and agreed that any and all of the rights reserved to the Authority under this Section 3 may be exercised by the Authority directly or by and through agents and contractors, and that the Authority may grant to or permit the exercise by others of rights of the class or character described in Subsection (e) of this section. In its exercise of the rights reserved under this Section 3, the Authority shall give reasonable consideration to the programs of the Department.

4. The assignment and transfer to Department of the interests and rights referred to under Sections 1 and 2 hereof shall be effective so long as the lands referred to in Section 1 are administered and operated as part of the Nantahala National Forest; and in the event the land referred to in Section 1 shall at any time cease so to be administered then all interests and rights assigned, transferred, or granted by Authority to Department under this agreement shall automatically revert to the possession, custody, and control of the Authority, and the Department shall have no further interests or rights with respect to any of the Authority lands referred to under Sections 1 and 2 hereof. None of said lands referred to in Section 1 shall be resold or exchanged or opened to entry excepting as may be agreed upon by the parties hereto, but this provision shall not be construed to prohibit the harvesting and sale of products of the forest produced on said land.

5. It is the intention of Department in the development and operation of recreational facilities on these lands to give priority to those operations which provide service to the general public and to maintain appropriate sanitary standards thereon.

6. Authority in no way warrants the extent of its interests in the lands described in Section 1 hereof, or in the lands affected by the rights granted under Section 2 hereof; but any interest which may hereafter be acquired by Authority in and to said lands described in Section 1 hereof shall pass to Department subject to the terms and conditions hereof automatically and without the necessity of any new and separate transfers or assignments thereof.

7. Department will cooperate with the Authority, upon its request, in obtaining the transfer to the Authority of the possession and control of any lands administered by the Department within the boundaries of the Nantahala National Forest which, in the judgment of the Authority, are essential to its programs of navigation, flood control, or power.

8. Nothing contained in this agreement shall be construed to constitute a waiver of or a compliance with any of the provisions of Section 26a of the Tennessee Valley Authority Act of 1933, as amended, or to affect or limit in any way the powers and duties given to and imposed upon the Authority by said Section 26a.

In witness whereof, the parties hereto have caused this instrument to be ex-

<sup>1</sup> Affects tabulation in § 201.1.

<sup>2</sup> Filed as part of the original document.

## RULES AND REGULATIONS

## APPENDIX A

## FONTANA RESERVOIR AREA

Land Proposed for Transfer to U. S. Department of Agriculture (Forest Service)

## Tract 1

A tract of land lying in Stecoah and Yellow Creek Townships of Graham County and in Nantahala Township of Swain County, State of North Carolina, on the south and west shores of the Little Tennessee River Arm and on the west shore of the Nantahala River Arm of Fontana Lake, and extending from a line approximately  $\frac{1}{2}$  mile upstream along the Nantahala River from the confluence of the said rivers to a line approximately 2 miles upstream along the Little Tennessee River from the Fontana Dam, and more particularly described as follows:

Beginning at Corner 1, a point in the center of the Nantahala River, from which Corner 2, the coordinates of which are N. 622,762 and E. 639,000, in the USTVA Purchase Boundary bears S. 88°31' W., 347 ft., more or less.

From the initial point by bearings and distances,  
S. 88°31' W., 347 ft., more or less, to Corner 2;

With the USTVA Purchase Boundary,  
S. 88°31' W., 207 ft. to Corner 3, a black oak tree;

S. 55°36' W., 181 ft. to Corner 4, a red oak stump;

S. 43°01' W., 327 ft. to Corner 5, a 10 in. post oak tree;

N. 86°32' W., 182 ft. to Corner 6, a stake;

S. 53°08' W., 130 ft. to Corner 7, a stake;

S. 68°41' W., 239 ft. to Corner 8, a 5 in. white oak tree;

S. 87°22' W., 304 ft. to Corner 9, a 15 in. black oak tree;

N. 60°28' W., 274 ft. to Corner 10, a 14 in. pine tree;

N. 31°51' W., 413 ft. to Corner 11 in the center of Turkey Branch at a 14 in. ash tree, the coordinates of which are N. 622,733 and E. 637,153;

Easterly downstream with the meanders of the center line of the branch approximately 470 ft. to Corner 12 near an 8 in. popular tree;

N. 7°57' E., 358 ft. to Corner 13, a leaning 3 in. locust tree;

N. 31°39' W., 218 ft. to Corner 14, a post oak stump;

N. 72°32' E., 121 ft. to Corner 15, a 10 in. red oak tree;

S. 70°11' E., 253 ft. to Corner 16, a 4 in. pine tree;

N. 68°29' E., 141 ft. to Corner 17, a pine stump;

N. 50°41' E., 181 ft. to Corner 18, an iron pipe;

N. 54°21' E., 417 ft. to Corner 19, a 4 in. white oak tree;

N. 39°56' E., 77 ft. to Corner 20, a rock;

N. 17°00' W., 20 ft. to Corner 21 in the center of a road at or near the 1,710 ft. contour;

Westerly with the center of the road approximately along the following bearing and distance:

S. 70°55' W., 197 ft. to Corner 22;

Leaving the road,  
N. 17°00' W., 20 ft. to Corner 23, an iron pipe;

N. 10°02' W., 739 ft. to Corner 24, a 2 in. sourwood tree;

N. 42°55' W., 175 ft. to Corner 25, an iron pipe;

N. 21°39' W., 197 ft. to Corner 26, a 14 in. red oak tree, the coordinates of which are N. 624,927 and E. 638,151;

N. 62°32' E., 141 ft. to Corner 27, a 14 in. red oak tree;

N. 18°13' E., 320 ft. to Corner 28, a 24 in. black oak tree;

N. 6°36' W., 217 ft. to Corner 29, an 8 in. white oak tree;

N. 12°49' E., 297 ft. to Corner 30, a 16 in. red oak tree;

N. 27°14' E., 76 ft. to Corner 31;

N. 9°50' W., 387 ft. to Corner 32, a 6 in. black oak tree;

N. 36°03' W., 141 ft. to Corner 33, a 6 in. spanish oak tree;

N. 77°30' W., 189 ft., crossing the 1,710 ft. contour at 120 ft., more or less, to Corner 34 in the center of a former road location below the normal operating level of Fontana Lake;

N. 7° E., with the center line of the former road location, 170 ft. to Corner 35 below the normal operating level of Fontana Lake;

Northerly along the meanders of the center line of the former location of the road approximately 475 ft. to Corner 36 in the center of the former channel of a branch below the normal operating level of Fontana Lake;

Northeasterly along the meanders of the center of the former channel of the branch approximately 160 ft. to Corner 37 below the normal operating level of Fontana Lake;

Leaving the former channel of the branch, N. 83°36' W., 1,534 ft., crossing the 1,710 ft. contour at 240 ft., more or less, to Corner 38, an iron pipe, the coordinates of which are N. 627,279 and E. 636,574;

S. 5°54' E., 59 ft. to Corner 39, an iron pipe;

N. 75°56' W., 441 ft. to Corner 40, an iron pipe;

N. 40°29' W., 57 ft. to Corner 41, an iron pipe;

N. 69°38' W., 491 ft. to Corner 42, an iron pipe replacing a stake;

N. 47°52' W., 271 ft. to Corner 43, an iron pipe;

N. 1°17' E., 1,239 ft. to Corner 44, an iron pipe;

N. 89°09' W., 289 ft. to Corner 45, an iron pipe;

N. 10°35' W., 41 ft. to Corner 46, an iron pipe;

N. 2°52' W., 212 ft. to Corner 47, an iron pipe;

N. 4°55' W., 720 ft. to Corner 48 in the center of a branch;

Westerly upstream with the meanders of the center line of the branch approximately along the following bearings and distances:

S. 79°42' W., 481 ft.;

N. 87°02' W., 581 ft. to Corner 49;

Leaving the branch,

N. 71°20' W., 400 ft. to Corner 50;

N. 73°34' W., 191 ft. to Corner 51, a stake;

S. 36°15' W., 330 ft. to Corner 52, a stake, the coordinates of which are N. 629,706 and E. 633,303;

N. 1°31' E., 264 ft. to Corner 53;

N. 45°19' W., 626 ft. to Corner 54 at the top of a ridge and on the Graham-Swain County Line;

Northerly with the meanders of the top of the ridge along the Graham-Swain County Line approximately 2,800 ft. to Corner 55, a 6 in. sourwood tree;

N. 40°08' E., 92 ft. to Corner 56;

S. 88°40' E., 172 ft. to Corner 57, a 4 in. white oak tree;

N. 17°15' E., 337 ft. to Corner 58, a stake, the coordinates of which are N. 633,213 and E. 633,922, at the top of a ridge;

Northerly with the meanders of the top of the ridge approximately 625 ft. to Corner 59, a stake;

Leaving the Graham-Swain County Line, N. 85°40' W., 1853 ft. to Corner 60, a stake, the coordinates of which are N. 633,911 and E. 632,205;

N. 5°38' E., 708 ft., passing a stake at 107 ft., to Corner 61;

N. 79°35' W., approximately 2,530 ft. to Corner 62, a pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

Southerly with the meanders of the contour approximately 290 ft. to Corner 63;

S. 4°24' E., 39 ft. to Corner 64, a stake;

N. 85°15' W., 16 ft. to Corner 65 in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

executed by their duly authorized representatives, the day and year first above written.

[SEAL] TENNESSEE VALLEY AUTHORITY,  
By GEORGE F. GANT,<sup>1</sup>

General Manager.

UNITED STATES DEPARTMENT  
OF AGRICULTURE,

By CHARLES F. BRANNAN,  
Assistant Secretary of Agriculture.<sup>1</sup>

Attest:

LEONA LEROY,  
Assistant Secretary.

In accordance with and for the purposes of section 4 (k) of the Tennessee Valley Authority Act of 1933 (48 Stat. 58) as amended by Act of July 18, 1941 (55 Stat. 599), (16 U. S. C. sec. 831C(k) (1941), I hereby approve the transfer from the Tennessee Valley Authority to the U. S. Department of Agriculture (Forest Service) of the possession and control of the lands and rights, and interests in lands described and specified in sections 1 and 2 of the above and foregoing agreement; and by virtue of the power vested in me by section 24, chapter 561, of the Act of March 3, 1891 (26 Stat. 1095, 1103) as amended (16 U. S. C. 471) and by the Act of June 4, 1897 (30 Stat. 11, 34, 36) I do hereby proclaim that the lands described and specified in section 1 of said agreement are and shall be allocated to and included in and reserved as a part of the Nantahala National Forest as in said agreement provided; all subject, however, to the terms, conditions, exceptions and reservations set forth in said agreement.

HARRY S. TRUMAN,  
President of the United States.

THE WHITE HOUSE,  
March 20, 1947

State of Tennessee  
County of Knox

This is to certify that on the 24th day of February 1947, before me personally came George F. Gant, with whom I am personally acquainted, who, being by me duly sworn, says that he is the General Manager and that Leona LeRoy is the Assistant Secretary of the Tennessee Valley Authority, the corporation described in and which executed the foregoing instrument as the agent of the United States of America; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, that the name of the corporation was subscribed thereto by the said General Manager, and that the said General Manager and Assistant Secretary subscribed their names thereto, and said common seal was affixed; all by the order of the Board of Directors of said corporation; and that the said instrument is the act and deed of said corporation and the act and deed of the United States of America.

Witness my hand and official seal this 24th day of February 1947. My commission expires July 16, 1950. I hereby certify that I have qualified in Knox County as a Notary Public as provided in Chapter 193 Public Acts 1935.

[SEAL] KATHERINE H. AUTRY,  
Notary Public.

<sup>1</sup> Beside the signature the original document bears the notation "BB Legal"

With the meanders of the contour southerly along the east bank and subsequently northerly along the west bank of the said tributary a total distance of approximately 85 ft. to Corner 66, a pipe, from which Corner 65 bears S. 85°15' E., 27 ft.;

N. 85°15' W., 1,721 ft. to Corner 67, an iron pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Flat Branch;

With the meanders of the contour southerly along the east bank of the tributary and subsequently northwesterly along the west bank of the said tributary a total distance of approximately 880 ft. to Corner 68, an iron pipe, from which Corner 67 bears S. 84°14' E., 186 ft.;

N. 84°14' W., 113 ft. to Corner 69, a chestnut stump;

S. 6°49' W., 301 ft. to Corner 70, a black oak tree;

N. 86°19' W., 1,365 ft., passing a stake at the top of a ridge at 752 ft., to Corner 71, an iron pipe in the 1,722.63 ft. contour on the east bank of an unnamed tributary to Sawmill Branch;

With the meanders of the contour southerly along the east bank of the tributary and subsequently northwesterly along the west bank of the tributary a total distance of approximately 2,690 ft. to Corner 72, an iron pipe, the coordinates of which are N. 634,780 and E. 625,615, from which Corner 71 bears S. 86°27' E., 677 ft.;

N. 85°40' W., 132 ft. to Corner 73, a stake;

S. 10°58' W., 873 ft., crossing the top of a ridge at 523 ft., to Corner 74;

S. 82°41' E., 746 ft. to Corner 75;

S. 4°36' W., 1,631 ft. to Corner 76, an 8 in. pine tree at the top of a ridge;

Northwesterly with the meanders of the top of the ridge approximately 2,750 ft. to Corner 77, the coordinates of which are N. 633,745 and E. 624,190;

N. 0°28' E., 742 ft., crossing the 1,710 ft. contour at approximately 475 ft., to Corner 78 below the normal operating level of Fontana Lake;

N. 22°07' E., 693 ft., crossing the 1,710 ft. contour at approximately 150 ft., to Corner 79, a 6 in. black oak tree;

N. 15°23' W., 735 ft., crossing the 1,710 ft. contour on the right bank of Sawmill Branch at approximately 210 ft. and the 1,710 ft. contour on the left bank of the branch at approximately 580 ft., to Corner 80, a 6 in. pine tree at the top of a ridge;

Westerly with the meanders of the top of the ridge approximately 1,660 ft. to Corner 81, an 8 in. pine tree, the coordinates of which are N. 635,637 and E. 622,761;

S. 55°48' W., 283 ft. to Corner 82, a stake;

N. 60°02' W., 220 ft. to Corner 83 in the 1,722.63 ft. contour on the right bank of the Panther Creek Embayment of Fontana Lake;

Southerly with the meanders of the contour approximately 2,130 ft. to Corner 84;

N. 83°44' W., 75 ft., crossing the 1,710 ft. contour on the right bank of the Panther Creek Embayment at approximately 30 ft., to Corner 85, below the normal operating level of Fontana Lake;

S. 8°21' W., 110 ft. to Corner 86 below the normal operating level of Fontana Lake;

S. 66°36' W., 340 ft. to Corner 87 below the normal operating level of Fontana Lake;

S. 7°02' W., 515 ft. to Corner 88, an iron pipe below the normal operating level of Fontana Lake;

S. 9°16' W., 515 ft., crossing the 1,710 ft. contour on the left bank of the Panther Creek Embayment at approximately 200 ft., to Corner 89, a double maple tree, the coordinates of which are N. 633,000 and E. 621,043;

S. 8°56' W., 417 ft. to Corner 90;

S. 51°30' W., 461 ft., passing a 15 in. white oak tree at 89 ft. and crossing the 1,710 ft. contour on the right bank of Tobacco Branch at approximately 150 ft. and the 1,710 ft. contour on the left bank of the branch at approximately 360 ft., to Corner 91, a 3 in. hickory tree;

-S. 51°49' W., 817 ft. to Corner 92, a post;

N. 5°13' E., 594 ft., crossing the 1,710 ft. contour on the right bank of Wolf Creek at approximately 575 ft., to Corner 93, an iron pipe below the normal operating level of Fontana Lake;

N. 4°08' E., 430 ft. to Corner 93A below the normal operating level of Fontana Lake;

N. 9°36' E., 1,054 ft., crossing the 1,710 ft. contour on the left bank of Wolf Creek at approximately 70 ft. and passing a stake at 749 ft., to Corner 94, a stake;

S. 50°42' W., 1,623 ft. to Corner 95, a 30 in. white oak tree, the coordinates of which are N. 632,825 and E. 618,975;

N. 13°13' W., 2,625 ft. to Corner 96;

N. 52°01' E., 1,448 ft. to Corner 97, a stone;

S. 81°14' E., 471 ft. to Corner 98;

N. 27°15' W., 892 ft. to Corner 99;

N. 56°06' E., 3,047 ft. to Corner 100, an iron pipe in the 1,722.63 ft. contour on the west shore of an embayment of Fontana Lake;

With the meanders of the contour northwesterly, easterly, northerly, northeasterly and subsequently in a general southeasterly direction a total distance of approximately 4,110 ft. to Corner 101, an iron pipe, the coordinates of which are N. 639,390 and E. 622,485;

N. 35°04' W., 322 ft. to Corner 102;

S. 65°40' E., 308 ft. to Corner 103, an iron pipe, the coordinates of which are N. 639,527 and E. 622,581, in the 1,722.63 ft. contour on the left bank of Loving Branch;

Northerly with the meanders of the contour approximately 2,300 ft. to Corner 104, an iron pipe;

N. 37°17' W., 2,034 ft. to Corner 105, a stake;

N. 24°03' E., 2,369 ft. to Corner 106;

S. 37°17' E., 2,419 ft. to Corner 107, a stone, the coordinates of which are N. 642,603 and E. 623,695;

S. 24°03' W., 2,196 ft. to Corner 108, an iron pipe in the 1,722.63 ft. contour on the north shore of the Panther Creek Embayment of Fontana Lake;

With the meanders of the contour downstream along the shores of the embayment and Fontana Lake approximately 6 mi. to Corner 109, an iron pipe;

S. 0°47' W., 165 ft. to Corner 110, an iron pipe, the coordinates of which are N. 644,494 and E. 617,483;

S. 27°46' W., 69 ft. to Corner 111, an iron pipe in the 1,722.63 ft. contour on the east shore of Fontana Lake;

With the meanders of the contour in a southerly direction along the east shore of Fontana Lake, then in an easterly direction along the north shore of the Pendleton Creek Embayment and subsequently in a southwesterly direction along the south shore of the embayment, a total distance of approximately 2½ mi. to Corner 112, an iron pipe;

S. 56°39' E., 620 ft. to Corner 113;

S. 56°35' W., 468 ft. to Corner 114;

N. 86°38' W., 902 ft. to Corner 115, the coordinates of which are N. 642,078 and E. 617,399;

S. 6°41' E., 900 ft. to Corner 116;

S. 56°17' W., 1,595 ft. to Corner 117;

S. 50°28' W., 541 ft. to Corner 118, an iron pin;

N. 88°49' W., 190 ft. to Corner 119, the coordinates of which are N. 639,959 and E. 615,570;

S. 16°31' W., 803 ft. to Corner 120;

S. 72°00' W., 1,643 ft. to Corner 121;

S. 24°42' W., 220 ft. to Corner 122;

N. 81°28' W., 3,505 ft. to Corner 123;

N. 80°50' W., 795 ft. to Corner 124, in the 1,722.63 ft. contour on the right shore of the Laurel Branch Inlet of the Stecoah Creek Embayment of Fontana Lake;

With the meanders of the contour southeasterly along the east shore of the inlet, then northwesterly along the west shore of the inlet, then westerly along the south shore, then southerly along the east shore of the Stecoah Creek Embayment, then northerly

along the west shore of the embayment, then westerly along the south shore and subsequently in a southerly direction along the east shore of the Sawyer or West Stecoah Creek Embayment a total distance of approximately 2¼ mi. to Corner 125, a 14 in. chestnut tree;

S. 82°54' W., 226 ft., crossing the 1,710 ft. contour on the east shore of the Sawyer or West Stecoah Creek Embayment at approximately 25 ft. and the 1,710 ft. contour on the west shore of the embayment at approximately 210 ft., to Corner 126, an iron pipe in the 1,722.63 ft. contour;

With the meanders of the contour in a northwesterly direction along the west shore of the Sawyer or West Stecoah Creek Embayment and subsequently in a northeasterly direction along the north shore of the Sawyer or West Stecoah Creek and Stecoah Creek Embayment approximately 1 mi. to Corner 127, a 30 in. white oak tree, the coordinates of which are N. 640,101 and E. 607,956;

N. 9°21' E., 338 ft. to Corner 128;

N. 7°17' E., 450 ft. to Corner 129, an 18 in. black oak tree;

S. 85°13' E., 817 ft. to Corner 130;

N. 7°01' E., 1,138 ft. to Corner 131;

S. 20°02' E., 953 ft. to Corner 132;

S. 85°55' E., 267 ft. to Corner 133, an iron pin in the 1,722.63 ft. contour on the west shore of the Stecoah Creek Embayment;

Northerly with the meanders of the contour approximately 30 ft. to Corner 134, an iron pin;

N. 23°46' E., 176 ft. to Corner 135, an iron pin in the 1,722.63 ft. contour on the west shore of the Stecoah Creek Embayment;

With the meanders of the contour northwesterly, then easterly, then northerly and subsequently southeasterly a total distance of approximately 3,200 ft. to Corner 136, an iron pipe, the coordinates of which are N. 642,838 and E. 611,735;

N. 5°07' W., 233 ft., more or less, to Corner 137, an iron pin in the 1,722.63 ft. contour on the south shore of Fontana Lake;

Northwesterly with the meanders of the contour approximately 1,820 ft. to Corner 138, an iron pipe, the coordinates of which are N. 644,050 and E. 610,221;

Northwesterly with the meanders of the contour approximately ¾ mi. to Corner 139;

N. 67°58' W., 623 ft., more or less, to Corner 140;

S. 27°28' W., 300 ft. to Corner 141, an iron pipe, the coordinates of which are N. 645,729 and E. 608,346;

S. 29°15' W., 141 ft. to Corner 142;

S. 72°42' E., 64 ft. to Corner 143, an iron pipe;

S. 72°34' E., 720 ft. to Corner 144, an iron pipe;

S. 37°37' W., 267 ft. to Corner 145, an iron pipe;

N. 63°24' W., 536 ft. to Corner 146, an iron pipe at a 4 in. white oak tree;

N. 64°37' W., 734 ft. to Corner 147, an iron pipe;

S. 53°19' W., 143 ft. to Corner 148, an iron pipe;

S. 20°51' E., 275 ft. to Corner 149, an iron pipe;

S. 12°51' E., 123 ft. to Corner 150, an iron pipe;

S. 62°43' E., 233 ft. to Corner 151, an iron pipe;

S. 23°28' E., 283 ft. to Corner 152, an iron pipe;

N. 83°19' E., 210 ft. to Corner 153, an iron pipe;

S. 74°33' E., 82 ft. to Corner 154, an iron pipe;

S. 22°03' E., 85 ft. to Corner 155, an iron pipe;

S. 11°44' W., 224 ft. to Corner 156, the coordinates of which are N. 644,533 and E. 606,271;

S. 87°17' W., 224 ft. to Corner 157, an iron pipe;



N. 84°19' W., 249 ft. to Corner 158, an iron pipe;

S. 86°38' W., 110 ft. to Corner 159, an iron pipe;

N. 78°10' W., 187 ft. to Corner 160, an iron pipe;

S. 87°35' W., 194 ft. to Corner 161, a 10 in. spanish oak tree;

S. 31°11' W., 871 ft. to Corner 162, a 12 in. chestnut stump;

S. 30°46' E., 339 ft. to Corner 163, a pipe at a 13 in. spanish oak tree;

N. 62°42' W., 1,898 ft., crossing the 1,710 ft. contour on the east shore of the Tuskegee Creek Embayment at approximately 830 ft. and the 1,710 ft. contour on the west shore of the embayment at approximately 1,400 ft., to Corner 164, an iron pipe;

N. 18°50' E., 1,267 ft., crossing the 1,710 ft. contour at approximately 480 ft., to Corner 165 below the normal operating level of Fontana Lake;

N. 69°53' W., 2,058 ft., crossing the 1,710 ft. contour at approximately 675 ft., to Corner 166, an iron pipe, the coordinates of which are N. 646,312 and E. 601,824;

N. 68°23' W., 800 ft. to Corner 167;

S. 83°25' W., 738 ft., crossing the 1,710 ft. contour on the east shore of the Hyde Branch Inlet at approximately 130 ft. and crossing the 1,710 ft. contour on the west shore of the inlet at approximately 340 ft., to Corner 168, an 18 in. hickory tree;

S. 30°16' W., 353 ft. to Corner 169, a 30 in. black oak tree, the coordinates of which are N. 646,218 and E. 600,169, at the top of a ridge;

Northwesterly with the meanders of the top of the ridge approximately 900 ft. to Corner 170, a stake in a pine stump;

N. 85°04' W., 1,246 ft., crossing the 1,710 ft. contour at approximately 320, 430, 970 and 1,070 ft., to Corner 171, an iron pipe;

S. 37°32' W., 1,784 ft., crossing the 1,710 ft. contour on the southeast shore of the Yellow Branch Inlet at approximately 100, 420, 1,060, 1,280, and 1,720 ft., to Corner 172 below the normal operating level of Fontana Lake;

N. 44°43' W., 283 ft. to Corner 173 below the normal operating level of Fontana Lake; S. 16°52' W., 103 ft. to Corner 174 below the normal operating level of Fontana Lake;

S. 82°24' W., 45 ft. to Corner 175 below the normal operating level of Fontana Lake;

N. 19°00' W., with the meanders of the top of a ridge, 990 ft., crossing the 1,710 ft. contour at approximately 140 ft., to Corner 176, a 10 in. black oak tree, the coordinates of which are N. 646,461 and E. 596,546, at the top of a ridge;

With the meanders of the top of the ridge N. 40°36' W., 498 ft. to Corner 177, an 18 in. spanish oak tree;

S. 85°35' W., 299 ft., passing a 14 in. spanish oak tree at 59 ft., to Corner 178, an 8 in. spanish oak tree;

N. 48°27' W., 188 ft. to Corner 179, an oak stump, the coordinates of which are N. 646,941 and E. 595,783;

N. 70°13' E., 1387 ft. to Corner 180, an iron pipe in the 1,722.63 ft. contour on the south shore of Fontana Lake;

Westerly with the meanders of the contour approximately 1,200 ft. to Corner 181, an iron pipe;

S. 42°15' W., 949 ft. to Corner 182, an iron pipe at a 16 in. spanish oak stump;

N. 20°35' W., 100 ft. to Corner 183, an iron pipe at a 15 in. spanish oak stump;

S. 44°47' W., 732 ft. to Corner 184, a stake;

N. 41°34' W., 1,332 ft. to Corner 185, an iron pipe in the 1,722.63 ft. contour on the east shore of the Shoal Branch Inlet;

With the meanders of the contour in a southerly direction along the east shore of the inlet and subsequently in a northerly direction along the west shore of the inlet, a total distance of approximately 1,150 ft. to Corner 186;

S. 63°27' W., 1,003 ft., to Corner 187, a 12 in. locust tree;

S. 32°07' W., 279 ft. to Corner 188, an iron pipe;

S. 31°33' E., 178 ft. to Corner 189, an iron pipe;

S. 9°35' E., 515 ft. to Corner 190, an iron pipe;

S. 24°10' W., 159 ft. to Corner 191, an iron pipe;

S. 62°20' W., 125 ft. to Corner 192, an iron pipe;

S. 35°04' W., 481 ft. to Corner 193, an iron pipe;

S. 3°14' E., 199 ft. to Corner 194, an iron pipe;

S. 34°12' E., 295 ft. to Corner 195, an iron pipe;

S. 9°45' W., 185 ft. to Corner 196, an iron pipe;

S. 35°40' E., 105 ft. to Corner 197, an iron pipe;

S. 43°05' W., 230 ft. to Corner 198, an iron pipe;

S. 73°49' W., 193 ft. to Corner 199, an iron pipe;

S. 38°04' W., 178 ft. to Corner 200, an iron pipe;

S. 76°30' W., 195 ft. to Corner 201, an iron pipe;

S. 38°02' W., 200 ft. to Corner 202, an iron pipe;

S. 80°50' W., 306 ft. to Corner 203, an iron pipe;

S. 57°02' W., 77 ft. to Corner 204, an iron pipe;

S. 73°18' W., 156 ft. to Corner 205, an iron pipe;

S. 47°25' W., 90 ft. to Corner 206, an iron pipe, the coordinates of which are N. 644,111 and E. 591,784;

N. 4°26' E., 620 ft. to Corner 207, a black oak tree;

N. 81°19' W., 1,078 ft., crossing the top of a ridge at 872 ft., to Corner 208, an 8 in. white oak tree;

S. 3°20' W., 1,941 ft. to Corner 209, a 36 in. chestnut snag, the coordinates of which are N. 642,954 and E. 590,653;

S. 80°15' E., 390 ft. to Corner 210 at the top of the ridge on the east side of Polson Branch Cove;

Southerly with the meanders of the top of the ridge approximately along the following bearings and distances:

S. 5°03' E., 60 ft.,

S. 45°57' E., 98 ft.;

S. 4°06' E., 109 ft.,

S. 1°40' E., 191 ft.,

S. 24°52' W., 162 ft.;

S. 36°35' W., 125 ft.;

S. 4°46' W., 211 ft.,

S. 18°32' W., 190 ft.,

S. 43°16' W., 149 ft.;

S. 32°10' W., 160 ft. to Corner 211;

Leaving the ridge,

N. 79°45' W., 306 ft. to Corner 212;

S. 2°23' W., 536 ft., passing a 14 in. hickory tree at 125 ft., to Corner 213, a 15 in. chestnut oak tree;

S. 1°03' W., 35 ft. to Corner 214, at the top of the ridge on the south side of Polson Branch Cove;

Westerly with the meanders of the top of the ridge approximately along the following bearings and distances:

S. 42°34' W., 209 ft.;

S. 64°01' W., 90 ft.;

N. 67°30' W., 93 ft.;

N. 69°35' W., 123 ft.;

N. 88°16' W., 301 ft.,

N. 62°48' W., 118 ft.,

S. 77°17' W., 180 ft.;

N. 74°08' W., 196 ft.,

S. 81°20' W., 155 ft.,

N. 77°01' W., 104 ft. to Corner 215, from which a 15 in. oak tree bears N. 1°32' E., 6 ft.;

Northwesterly with the meanders of the top of the ridge approximately along the following bearings and distances:

N. 86°38' W., 128 ft.,

N. 61°55' W., 244 ft.,

N. 72°58' W., 177 ft.;

N. 45°20' W., 92 ft.,

N. 62°40' W., 155 ft.;

N. 39°25' W., 69 ft.,

N. 76°39' W., 127 ft.,

N. 51°22' W., 123 ft.,

N. 50°02' W., 126 ft.,

N. 77°47' W., 218 ft.;

N. 81°46' W., 87 ft. to Corner 216;

With the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

N. 2°48' W., 335 ft. to Corner 217 at the top of the ridge on the west side of Polson Branch Cove, from which a chestnut stump bears S. 83°07' E., 81 ft.,

Northerly with the meanders of the top of the ridge approximately along the following bearings and distances:

N. 2°48' W., 29 ft.,

N. 8°26' E., 105 ft.,

N. 12°11' E., 185 ft.,

N. 8°14' E., 194 ft.,

N. 0°21' W., 70 ft.;

N. 38°38' E., 72 ft.,

N. 0°55' E., 126 ft.,

N. 17°17' W., 139 ft.,

N. 20°02' W., 189 ft.,

N. 30°50' E., 72 ft. to Corner 218, USFS Monument 12, the coordinates of which are N. 643,109 and E. 587,614;

Leaving the ridge,

N. 28°03' W., 575 ft. to Corner 219;

S. 69°54' W., 1,820 ft., crossing Perry Branch at approximately 1,280 ft., to Corner 219A;

N. 4°00' E., 609 ft. to Corner 220, a locust post, the coordinates of which are N. 643,698 and E. 585,676;

S. 52°50' W., 2,922 ft. to Corner 221;

N. 11°48' W., 736 ft. to Corner 222, a stone;

S. 32°54' W., 198 ft. to Corner 223, a locust post, the coordinates of which are N. 642,386 and E. 583,090;

N. 37°36' W., 1,523 ft., crossing Powell Branch at 840 ft., to Corner 224 in the center of an unnamed tributary to Cable Cove Branch;

N. 19°04' E., 826 ft. to Corner 225, a forked 22 in. maple tree;

N. 70°48' W., 1,512 ft. to Corner 226, a 26 in. spanish oak tree;

N. 32°19' E., 1,030 ft. to Corner 227, a stone;

S. 84°49' W., 422 ft. to Corner 228 at the top of the divide between Cable Cove and Rattlesnake Branches;

Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

Northerly with the meanders of the top of the divide approximately 4,340 ft. to Corner 229, the coordinates of which are N. 649,128 and E. 581,624;

S. 86°37' W., 90 ft. to Corner 230 in the 1,722.63 ft. contour on the south shore of Fontana Lake;

With the meanders of the contour westerly along the south shore of Fontana Lake, southerly along the east shore of the Rattlesnake Branch Inlet, northerly along the west shore of the inlet, westerly along the south shore of an unnamed tributary of Rattlesnake Branch and subsequently northerly along the west shore of the said unnamed tributary a total distance of approximately 2,410 ft. to Corner 231, the coordinates of which are N. 649,050 and E. 580,093;

N. 83°08' W., 580 ft., more or less, to Corner 232, an iron pipe in the 1,722.63 ft. contour on the southeast shore of an inlet of Fontana Lake;

Westerly with the meanders of the contour approximately 2,200 ft. to Corner 233 on the northwest shore of the Persimmon Branch Inlet, from which Corner 232 bears S. 83°28' E., 1,450 ft., more or less;

N. 83°28' W., 345 ft. to Corner 233A;

N. 4°44' E., 54 ft. to Corner 234;

N. 5°08' E., 359 ft. to Corner 235 an iron pipe in the 1,722.63 ft. contour on the south shore of Fontana Lake;

Westerly with the meanders of the contour approximately 650 ft. to Corner 236, an iron pipe, the coordinates of which are N. 649,896 and E. 577,158;

Leaving the US TVA Purchase Boundary, N. 45°39' E., approximately 1,150 ft., crossing the 1,710 ft. contour at approximately 25 ft., to Corner 237 in the center of the Little Tennessee River as located before the construction of the Fontana Dam;

Easterly upstream with the meanders of the center line of the river to Corner 238 at the confluence of the Little Tennessee and Nantahala Rivers as located before the construction of the Fontana Dam;

Southerly upstream with the meanders of the center line of the Nantahala River to Corner 1, the place of beginning.

Except, therefrom, the following:

1. All land lying below an elevation of 1,710 ft. above mean sea level;

2. Approximately 0.6 acre owned by the J. W. Cooper Heirs et al., lying within the boundaries of the tract herein described, approximately 1½ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:

Beginning at Corner 239, an iron pipe.

From the initial point by bearings and distances,

S. 9°41' W., 208 ft. to Corner 240; a stake;

S. 74°03' W., 218 ft. to Corner 241, an iron pipe;

N. 5°12' E., 55 ft. to Corner 242, an iron pipe;

N. 48°49' E., 319 ft. to Corner 239, the place of beginning.

3. Approximately 0.6 acre owned by the State of North Carolina, lying within the boundaries of the tract herein described, approximately 1¼ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:

Beginning at Corner 243, a stake.

From the initial point by bearings and distances,

N. 43°55' E., 187 ft. to Corner 244;

N. 65°41' E., 148 ft. to Corner 245;

S. 31°32' W., 382 ft. to Corner 246;

N. 26°34' W., 145 ft. to Corner 243, the place of beginning.

4. Approximately 1.9 acres owned by the Sam V. Welch Heirs, lying within the boundaries of the tract herein described, approximately 1¼ mi. north of Corner 59 on the Graham-Swain County Line, and more particularly described as follows:

Beginning at Corner 243.

From the initial point by bearings and distances,

S. 88°56' W., 95 ft. to Corner 247 at the top of a ridge;

N. 2°56' E., 335 ft. to Corner 248;

N. 69°56' E., 400 ft. to Corner 249, an iron pipe;

S. 32°22' W., 557 ft. to Corner 243, the place of beginning.

5. Approximately 0.01 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, northwest of the Panther Creek Embayment, and more particularly described as follows:

To locate the point of beginning, commence at Corner 98.

From the point of commencing by bearings and distances,

S. 81°14' E., 1,114 ft. to a stake;

S. 14°06' W., 325 ft. to Corner 250, a stake, the said stake being the Point of Beginning;

N. 41°10' E., 71 ft., more or less, to Corner 251, an iron pipe in the 1,722.63 ft. contour on the northwest bank of an unnamed tributary to Panther Creek;

Southwesterly with the meanders of the contour approximately 120 ft. to Corner 252, an iron pipe;

N. 14°06' E., 41 ft., more or less, to Corner 250, the place of beginning.

6. Approximately 0.04 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, northwest of the Panther Creek Embayment, and more particularly described as follows:

Beginning at Corner 253, an iron pipe, the coordinates of which are N. 636,215 and E. 621,444, in the 1,722.63 ft. contour on the northwest bank of the unnamed tributary to Panther Creek, from which Corner 251 bears S. 41°10' W., 595 ft.

From the initial point by bearings and distances,

N. 40°19' E., 130 ft. to Corner 254, a stake;

S. 7°16' W., 47 ft. to Corner 255, an iron pipe in the 1,722.63 ft. contour;

Southwesterly with the meanders of the contour approximately 95 ft. to Corner 253, the place of beginning.

7. Approximately 17.2 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the west shore of the Panther Creek Embayment, and more particularly described as follows:

Beginning at Corner 256, an iron pipe in the 1,722.63 ft. contour on the south bank of the unnamed tributary to Panther Creek, from which Corner 252 bears N. 14°06' E., 66 ft., more or less.

From the initial point,

Northeasterly with the meanders of the contour approximately 575 ft. to Corner 257, from which Corner 255 bears N. 8°28' E., 394 ft.;

Leaving the contour, by bearings and distances,

S. 6°07' W., 413 ft. to Corner 258, a pine stump;

S. 10°35' W., 637 ft. to Corner 259, an iron pipe in the 1,722.63 ft. contour on the west shore of the Panther Creek Embayment;

Southerly with the meanders of the contour approximately 620 ft. to Corner 260, an iron pin;

Leaving the contour, by bearings and distances,

S. 76°01' W., 513 ft. to Corner 261, a chestnut stump;

N. 14°06' E., 1,510 ft. to Corner 256, the place of beginning.

8. Approximately 0.01 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the south shore of the Loving Branch Embayment, and more particularly described as follows:

Beginning at Corner 262, an iron pipe, in the 1,722.63 ft. contour on the southeast shore of the Loving Branch Embayment, from which Corner 101 bears N. 35°04' W., 359 ft.

From the initial point by bearings and distances,

S. 35°04' E., 8 ft. to Corner 263, a stake;

S. 56°06' W., 79 ft. to Corner 264, an iron pipe in the 1,722.63 ft. contour;

Northeasterly with the meanders of the contour approximately 80 ft. to Corner 262, the place of beginning.

9. Approximately 3.4 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described between the Loving Branch and Panther Creek Embayments, and more particularly described as follows:

Beginning at Corner 265, an iron pipe in the 1,722.63 ft. contour on the east shore of the Loving Branch Embayment, from which Corner 103 bears N. 65°40' W., 448 ft.

From the initial point,

Northeasterly with the meanders of the contour approximately 1,130 ft. to Corner 266, an iron pipe, the coordinates of which are N. 639,750 and E. 623,689;

Leaving the contour, by bearings and distances,

S. 24°33' W., 660 ft. to Corner 267, a stake;

N. 65°40' W., 467 ft. to Corner 265, the place of beginning.

10. Approximately 17.1 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the south shore of the Panther Creek Embayment, and more particularly described as follows:

Beginning at Corner 263, an iron pipe, the coordinates of which are N. 649,458 and E. 626,618, in the 1,722.63 ft. contour on the south shore of the Panther Creek Embayment.

From the initial point by bearings and distances,

S. 62°30' W., 654 ft. to Corner 269, an 18 in. pine stump;

S. 61°29' W., 440 ft. to Corner 270, a 14 in. pine stump;

S. 53°10' W., 582 ft. to Corner 271, a stake;

N. 50°50' W., 348 ft. to Corner 272, a 12 in. red oak tree on the 1,722.63 ft. contour;

With the meanders of the contour in a general northeasterly direction approximately 2,530 ft. to Corner 263, the place of beginning.

11. Approximately 12.8 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described approximately ½ mi. north of the course from Corner 122 to Corner 123 and more particularly described as follows:

Beginning at Corner 273, an iron pipe, the coordinates of which are N. 641,638 and E. 612,870, on the south shore of the Stecoah Creek Embayment.

From the initial point by bearings and distances,

S. 13°09' E., 453 ft. to Corner 274, an iron pin;

S. 84°03' E., 1,036 ft. to Corner 275, a stake;

N. 14°12' W., 100 ft., more or less, to Corner 276, an iron pin in the 1,722.63 ft. contour;

Westerly then northerly with the meanders of the contour approximately 440 ft. to Corner 277, an iron pin, from which Corner 276 bears S. 14°12' E., 285 ft., more or less;

N. 14°12' W., 205 ft., more or less, to Corner 278, an iron pin, the coordinates of which are N. 641,664 and E. 613,853, in the 1,722.63 ft. contour;

With the meanders of the contour westerly, northerly and subsequently southwesterly a total distance of approximately 2,340 ft. to Corner 273, the place of beginning.

12. Approximately 3.9 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the east shore of the Laurel Branch Inlet, and more particularly described as follows:

Beginning at Corner 279, an iron pipe, the coordinates of which are N. 639,759 and E. 699,110, in the 1,722.63 ft. contour on the east shore of the Laurel Branch Inlet.

From the initial point by bearings and distances,

S. 87°10' E., 364 ft. to Corner 280;

S. 7°49' W., 631 ft. to Corner 231 in the 1,722.63 ft. contour;

Northeasterly with the meanders of the contour approximately 790 ft. to Corner 279, the place of beginning.

13. Approximately 0.02 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described on the south shore of Fontana Lake immediately west of the Yellow Branch Embayment, and more particularly described as follows:

Beginning at Corner 282 in the 1,722.63 ft. contour on the south shore of the lake, from which Corner 180 bears S. 70°13' W., 360 ft., more or less.

From the initial point,

Northeasterly with the meanders of the contour approximately 70 ft. to Corner 283;

Leaving the contour, by bearings and distances,

S. 23°18' E., 25 ft. to Corner 284;

S. 70°13' W., 50 ft., more or less, to Corner 282, the place of beginning.

14. Approximately 14.5 acres owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the east side of the divide between Cable Cove Branch and Poison Branch approximately  $\frac{1}{2}$  mile north of Corner 218, and more particularly described as follows:

Beginning at Corner 285 on the top of the divide between Cable Cove Branch and Poison Branch, from which a 14 in. Spanish oak tree, the coordinates of which are N. 645,280 and E. 588,280, bears N. 80°13' W., 259 ft.

From the initial point,

With the meanders of the top of the divide along the following bearings and distances:

N. 25°24' E., 125 ft.,

N. 48°40' E., 275 ft.,

N. 11°37' E., 86 ft.,

N. 48°08' E., 372 ft.,

N. 59°45' E., 269 ft.,

N. 39°09' E., 212 ft.,

N. 60°28' E., 236 ft.,

N. 44°32' E., 70 ft. to Corner 286;

Leaving the top of the divide, by bearings and distances,

S. 14°31' W., 1,279 ft. to Corner 287;

N. 80°13' W., 868 ft. to Corner 285, the place of beginning.

15. Approximately 0.5 acre owned by the Whiting Manufacturing Company, lying within the boundaries of the tract herein described, on the east side of the divide between Cable Cove Branch and Poison Branch approximately  $\frac{1}{4}$  mile north of Corner 218, and more particularly described as follows:

Beginning at Corner 288, a stake, the coordinates of which are N. 644,327 and E. 588,115, on the east side of the divide.

From the initial point, by bearing and distance,

N. 73°00' W., 197 ft. to Corner 289 on the top of the divide;

With the meanders of the top of the divide along the following bearings and distances:

N. 63°42' E., 92 ft.,

N. 39°13' E., 245 ft. to Corner 290;

Leaving the top of the divide, by bearing and distance,

S. 9°47' W., 293 ft. to Corner 288, the place of beginning.

16. Approximately 0.2 acre contained within the boundaries of the Cable Cove Cemetery, more particularly described as follows:

Beginning at Corner 291, a fence corner at the most southerly corner of the Cable Cove Cemetery.

From the initial point with a fence line along the following approximate bearings and distances:

N. 45° W., 55 ft. to Corner 292;

N. 37° E., 128 ft. to Corner 293;

S. 50° E., 58 ft. to Corner 294;

S. 38° W., 132 ft. to Corner 291, the place of beginning.

The tract as described contains approximately 5,720 acres. Included within the tract as described but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company.

#### Tract 2

A tract of land lying in Yellow Creek Township of Graham County, State of North Carolina, south of Fontana Lake in Cable Cove, and more particularly described as follows:

Beginning at Corner 1, a stone, the coordinates of which are N. 641,224 and E. 579,826, at the top of a ridge.

From the initial point with the boundary of the land of the United States of America under the jurisdiction of the Forest Service by bearings and distances,

N. 41°16' W., 643 ft. to Corner 2;

N. 52°22' E., 1,227 ft. to Corner 3;

S. 41°38' E., 599 ft. to Corner 4, a stone;

N. 52°56' E., 210 ft. to Corner 5;

S. 40°34' E., 210 ft. to Corner 6;

S. 52°56' W., 210 ft. to Corner 7, a stone;

S. 41°51' E., 30 ft. to Corner 8 at the top of a ridge;

Southwesterly with the meanders of the top of the ridge approximately along the following bearings and distances:

S. 35°59' W., 235 ft.,

S. 80°12' W., 200 ft.,

S. 69°04' W., 501 ft.,

S. 56°08' W., 359 ft. to Corner 1, a stone, the place of beginning.

The tract as described contains approximately 22.6 acres.

#### Tract 3

A tract of land lying in Yellow Creek Township of Graham County, State of North Carolina, south of Fontana Lake in Cable Cove, the more particularly described as follows:

Beginning at Corner 1, the most northeasterly corner of the tract herein described, the coordinates of which are N. 642,427 and E. 582,971.

From the initial point with the boundary of the land of the United States of America under the jurisdiction of the Forest Service by bearings and distances,

S. 3°24' W., 2,058 ft. to Corner 2;

N. 86°36' W., 865 ft. to Corner 3;

N. 3°24' E., 2,128 ft. to Corner 4, a stake;

S. 81°57' E., 869 ft. to Corner 1, the place of beginning.

The tract as described contains approximately 41.6 acres.

#### Tract 4

A tract of land lying in Stecoah Township of Graham County, State of North Carolina, near the west end of the Wolf Creek Embayment of Fontana Lake, and more particularly described as follows:

To locate the point of beginning, commence at Corner 95 in the boundary of Tract 1.

From the commencing point by bearings and distances,

S. 71°07' W., 164 ft. to a stake;

S. 8°01' W., 549 ft. to Corner 1, an iron pipe in the 1,722.63 ft. contour on the north shore of the Wolf Creek Embayment, the said iron pipe being the Point of Beginning.

From the said Point of Beginning, by bearings and distances,

S. 8°01' W., 358 ft., crossing the 1,710 ft. contour at approximately 90 ft., to Corner 2, a stone below the normal operating level of Fontana Lake;

S. 7°02' W., 163 ft., crossing the 1,710 ft. contour on the south shore of the Wolf Creek Embayment at approximately 100 ft., to Corner 3, an iron pipe in the 1,722.63 ft. contour;

Southwesterly with the meanders of the contour approximately 490 ft. to Corner 4, an iron pipe;

N. 7°37' E., 317 ft., crossing the 1,710 ft. contour at approximately 80 ft., to Corner 5, a stake below the normal operating level of Fontana Lake;

N. 89°08' W., 66 ft., crossing the 1,710 ft. contour on the northwest shore of the Wolf Creek Embayment at approximately 45 ft., to Corner 6, an iron pipe in the 1,722.63 ft. contour;

With the meanders of the contour in a general northeasterly direction approximately 800 ft. to Corner 1, the place of beginning. EXCEPT, therefrom, all land lying below an elevation of 1,710 ft. above mean sea level. The tract as described contains approximately 1.1 acres.

#### Tract 5

A tract of land lying in Stecoah Township of Graham County, State of North Carolina, at the upstream end of the Panther Creek Embayment of Fontana Lake, and more particularly described as follows:

Beginning at Corner 1, an iron pipe, the coordinates of which are N. 630,843 and E. 622,901, in the 1,722.63 ft. contour on the east shore of the Panther Creek Embayment.

From the initial point,

With the meanders of the contour southerly along the east shore of the embayment, westerly along the head of the embayment and subsequently northerly along the west shore of the embayment a total distance of approximately 3,590 ft. to Corner 2, an iron pipe;

S. 84°20' E., 417 ft., crossing the 1,710 ft. contour at approximately 60 and 380 ft. to Corner 1, the place of beginning. EXCEPT, therefrom, all land lying below an elevation of 1,710 ft. above mean sea level.

The tract as described contains approximately 5.2 acres.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The contour elevations are based on Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936.

The bearings and distances, and corner descriptions as given above are based partially on the Authority's surveys and partially on the Nantahala Power and Light Company's plats and surveys adjusted to the Authority's surveys. The corner numbers given are for description reference only and are not the numbers used in the Authority's records.

NOTE: The above described tracts of land are to be transferred subject to any exceptions and reservations contained in Article III of Exhibit "B" to the Agreement between the Tennessee Valley Authority and the Aluminum Company of America dated August 14, 1941, which may affect the described premises; to outstanding burial rights; to the right of way of the Southern Railway Company's former track location; and to public road rights of way outstanding in or to be transferred to the State of North Carolina in accordance with a contract dated March 9, 1944, between the Tennessee Valley Authority and the State of North Carolina.

[F. R. Doc. 47-7985; Filed, Aug. 26, 1947; 8:51 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

##### CHANGES IN FIELD DIVISIONS OF OFFICE OF CHIEF INSPECTOR

The following amendments are made to paragraph (b) of § 1.9 *Office of the Chief Inspector* (11 F. R. 177 A-123)

1. Amend the matter in the parentheses following the words "Boston Division" to read as follows: "comprising Connecticut, Maine, Massachusetts, New Hampshire, the city of Fishers Island, N. Y., Rhode Island and Vermont"

2. Amend the matter in the parentheses following the words "Fort Worth Division" to read as follows: "comprising Louisiana and Texas, except the city of Texarkana, Texas"

3. Amend the matter in the parentheses following the words "Kansas City Division" to read as follows: "comprising Kansas, the city of Dodson and Kansas City, Mo., Nebraska and Oklahoma"

4. Amend the matter in the parentheses following the words "New York Division" to read as follows: "comprising New York, except the city of Fishers Island"

5. Amend the matter in the parentheses following the words "St. Louis Division" to read as follows: "comprising Arkansas, Iowa, and the city of Texarkana, Texas, and Missouri, except the cities of Dodson and Kansas City"

(R. S. 161, 396, Sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

—[SEAL]

J. M. DONALDSON,  
Acting Postmaster General.

[F. R. Doc. 47-7967; Filed, Aug. 26, 1947;  
9:21 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

#### [Public Land Order 393]

#### ALASKA

#### REDUCING THE WITHDRAWAL MADE BY EXECUTIVE ORDER 6957 OF FEBRUARY 4, 1935

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U. S. C. Title 43, sec. 141) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6957 of February 4, 1935, temporarily withdrawing certain public lands in Alaska and reserving them for classification, is hereby revoked as to the public lands hereinafter described.

This order shall not otherwise become effective to change the status of the public lands until 10:00 a. m. on October 17, 1947. At that time the hereinafter-described public lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 17, 1947, to January 15, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283),

No. 168—3

subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 27, 1947, to 10:00 a. m. on October 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 16, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 27, 1947, to 10:00 a. m. on January 16, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 16, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small

tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

The public lands affected by this order are described as follows:

#### SEWARD MERIDIAN

T. 17 N., R. 1 W.,

Sec. 2, lot 10;

Secs. 4, 5, and 6;

Sec. 7, lots 1, 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 8, lots 3, 4, 5, 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 17, lots 1, 2, 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 18;

Sec. 19, lots 1, 2, 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;

Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Secs. 29 and 30.

T. 18 N., R. 1 W.,

Secs. 1 to 15, inclusive, and secs. 17 to 23, inclusive;

Sec. 24, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ .

Secs. 27 to 33, inclusive.

T. 17 N., R. 2 W.,

Secs. 1 to 7, inclusive;

Sec. 8, lots 1, 2, 3, 4, 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Secs. 9 to 15, inclusive, and secs. 17 to 23, inclusive;

Sec. 24, W $\frac{1}{2}$ ;

Sec. 25;

Sec. 27, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Secs. 23 to 33, inclusive;

Sec. 34, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;

Sec. 35, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ .

The areas described aggregate 44,960.43 acres.

The topography ranges from level, to gently rolling, to quite hilly; the terrain is broken by muskeg, especially to the north and west. Soil depths range from 14 to 20 inches with the basic material generally consisting of small gravel or sand.

Cover consists mostly of birch reproduction as well as black spruce in the muskeg areas and large cottonwood along the streams. Red top grass is quite plentiful, especially toward the northern portion of the area.

OSCAR L. CHAPMAN,

Under Secretary of the Interior.

AUGUST 15, 1947.

[F. R. Doc. 47-7934; Filed, Aug. 25, 1947;  
8:45 a. m.]

# PROPOSED RULE MAKING

## TREASURY DEPARTMENT

### Bureau of Customs

#### [19 CFR, Part 6]

[192-7, 18.32]

MALONE-DUFORT AIRPORT, MALONE, N. Y.,  
AND CHALKS FLYING SERVICE SEAPLANE  
BASE, MIAMI, FLA.

NOTICE OF PROPOSED REDESIGNATIONS AS  
TEMPORARY AIRPORTS OF ENTRY FOR A  
PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)) it is proposed to redesignate the Malone-Dufort Airport, Malone, New York, and the Chalks Flying Service Seaplane Base, Miami, Florida, as temporary airports of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)) for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13) as amended, to show such redesignations.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) Data, views, or arguments with respect to the proposed redesignations of the above-mentioned airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,  
*Acting Secretary of the Treasury.*

AUGUST 20, 1947.

[F. R. Doc. 47-7968; Filed, Aug. 26, 1947;  
9:18 a. m.]

#### [19 CFR, Part 6]

[192-30.32]

FELTS FIELD, SPOKANE, WASH.

NOTICE OF PROPOSED REDESIGNATION AS A  
TEMPORARY AIRPORT OF ENTRY FOR A PERIOD OF 1 YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)) it is proposed to redesignate Felts Field, Spokane, Washington, as a temporary airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)) for a period of 1 year from October 1, 1947; and it is further proposed to amend the list of tempo-

rary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such redesignation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed redesignation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,  
*Acting Secretary of the Treasury.*

AUGUST 20, 1947.

[F. R. Doc. 47-7969; Filed, Aug. 26, 1947;  
9:18 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

#### [7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MISSOURI,  
MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreement and orders (7 CFR Supps., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at St. Louis, Missouri, July 7 and 18, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on July 11, 1947 (12 F. R. 4610) upon a proposed amendment to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the St. Louis, Missouri, marketing area.

*Preliminary statement.* The proposed amendment upon which the hearing was held was submitted by the Sanitary Milk Producers, St. Louis, Missouri.

The material issues presented on the record of the hearing were whether:

(1) The Class I and Class II price differentials over the basic formula price should be revised as to level and seasonality;

(2) An emergency exists which warrants immediate effectuation of the proposed amendment to the order.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The price differentials above the basic formula price for Class I milk and Class II milk should be revised to provide for (a) a wider seasonal variation in the prices to be paid to producers, (b) inclusion of December in the group of months in which the highest Class I and Class II price differentials apply, and (c) an increase in the average level of price differentials, above the basic formula price, for Class I milk and Class II milk.

The seasonal pattern of production is significantly different from the pattern of demand for Class I milk. The average production per producer in 1944 was 31 percent greater during the month of peak production than during the month of low production, and in 1946 it was 45 percent greater. In contrast, the demand for Class I milk is relatively uniform throughout the year. The record shows that a wider seasonal range than at present in the level of Class I and Class II price differentials over the basic formula price would give an incentive for increased milk production during the fall and winter months when it is most needed by the market. The shortage of producer milk in December, as shown by the volume of Class I and Class II milk sold as compared to the volume of milk delivered by producers, indicates that the same level of price differentials over the basic formula price used in the fall months should apply also in December.

The milk supplied by producers has not been sufficient to meet the needs of the market. During all twelve months of each year since 1940 handlers have purchased milk outside the regular St. Louis supply area. Also, in recent years, handlers have purchased cream and skim milk throughout the year from sources outside the regular St. Louis supply area.

The number of producers supplying the St. Louis marketing area has declined steadily from year to year. The average number of producers in 1940 was 4,115; and in 1946, the average number was 3,411. During the first half of 1947 the market has continued to lose producers, although efforts have been made to induce additional dairy farmers to enter the market. Although production per farm has increased during recent years, the increase has not been sufficient to meet the demand for milk in the market.

Additional requirements of the St. Louis Health Department in recent years have increased the cost of producing milk for this market. There are markets, with less rigid health requirements, drawing milk from the same supply area as the St. Louis market, where producers may obtain prices comparable to prices obtained in the St. Louis market. There are also manufacturing plants in the supply area to which producers may sell their milk.

Costs of feed, labor and materials to producers in the St. Louis area have increased sharply during the past year. Because of unfavorable weather conditions, the supply of home grown dairy feeds is reduced, and as a result producers must buy more feed at increased



prices. Since feed, labor and materials are used more intensively in producing Grade A milk than in production of milk for manufacturing purposes, the cost of producing milk for the St. Louis marketing area has gone up more relatively than the cost of producing lower grades of milk.

The higher values of livestock and grains, which have increased more relatively than the price of milk, offer returns from alternative farm enterprises which will tend to discourage milk production if the present price relationships continue.

The basic field price reported as paid by the condensaries specified in the order does not include the quality and volume premiums some of these plants are paying, and therefore the reported price does not at present represent the true competitive price for manufacturing milk in the St. Louis area.

It is concluded that in order to reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, and to insure a sufficient quantity of pure and wholesome milk and be in the public interest, the Class I price differential per hundredweight over the basic formula price should be increased from \$1.10 to \$1.35 for the months of July through November, from \$0.90 to \$1.35 for the month of December; from \$0.90 to \$1.10 for the months of January through March, and from \$0.80 to \$0.90 for the months of April through June; and that the Class II price differential per hundredweight over the basic formula price should be increased from \$0.40 to \$0.55 for the months of July through November from \$0.25 to \$0.55 for the month of December; from \$0.25 to \$0.35 for the months of January through March, and remain at \$0.20 for the months of April through June.

The above schedule of prices, which substantially increases the seasonal variation of the price differentials, giving most emphasis to the months when increased production is most urgently needed by the market, and a small increase in the spring months, will establish a better relationship between the supply of and the demand for milk.

(2) An emergency exists which requires that action be taken promptly to incorporate into the order regulating the handling of milk in the St. Louis, Missouri, marketing area the findings and conclusions hereinbefore set forth without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto. Evidence was presented at the hearing which showed that in recent years the market has become progressively shorter of milk. The fall season, when production is normally at the low for the year, is immediately approaching, and if the present trend of milk supply continues, the market will be extremely and seriously short of an

adequate supply of milk during this fall season. Adverse weather conditions have already reduced the supply of home grown feeds in the St. Louis area. In view of the increased costs of feed, labor, materials, and of meeting Health Department requirements, and in view of price relationships favorable to the use of feeds for other livestock enterprises, it is necessary that prompt action be taken to assure producers of returns which will induce them to continue to supply the market and encourage additional dairy farmers to enter the market. Any delay in effectuating needed changes in the order would seriously threaten further reduction of the supply of milk for the St. Louis market, and would be contrary to the public interest.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which the hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the producer associations and handlers subject to Order No. 3. Every point covered in the briefs was considered carefully, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that proposed findings and conclusions contained in such briefs are inconsistent with the proposed findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not be-

come effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be further amended by the attached amending order which will be published with the decision.

This decision was filed at Washington, D. C., this 21st day of August 1947.

§ 903.0 *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order as amended and as hereby further amended,<sup>1</sup> and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 903.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: \$1.35 for the delivery periods of July through December; \$1.10 for the delivery periods of January through March; and \$0.90 for the delivery periods of April through June.

2. Delete § 903.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: \$0.55 for the delivery periods of July through December; \$0.35 for the delivery periods of January through March; and \$0.20 for the delivery periods of April through June: *Provided, That* during any delivery period from January through June, the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

[SEAL] CHARLES F. BRANNAN,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-7989; Filed, Aug. 26, 1947;  
9:20 a. m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 10]

### UNIFORM SYSTEM OF ACCOUNTS FOR STEAM RAILROADS

#### NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of August A. D. 1947.

The matter of modifying the "Uniform System of Accounts for Steam Railroads, Issue of 1943" (12 F. R. 4451) being under consideration by the division pursuant to section 20 of the Interstate Commerce Act, as amended, and the following modifications being deemed

necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)), *It is ordered, That:*

(1) Any interested party may on or before September 15, 1947, file a written statement with the Commission's Secretary presenting the reasons why the said modifications should not become effective as hereinafter ordered and request oral argument thereon, which request will be granted if the reasons be substantial; and,

(2) Unless otherwise ordered upon consideration of such objections, the said modifications shall become effective January 1, 1948; and,

(3) A copy of this order including the modifications shall be served upon every steam railroad subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

#### OPERATING REVENUES AND OPERATING EXPENSES

1. In § 10.02-4 *Miscellaneous operations*, eliminate the words "stock yards" from the text of the instruction, and insert the following additional general instruction:

§ 10.02-6 *Stockyards.* The revenues and expenses arising from the operation of stockyards shall not be included in operating revenue or operating expense accounts unless the operation of the facilities is conducted in connection with the transportation of livestock. It is not intended, however, that revenues and expenses arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from operating revenues and expenses.

#### REVENUE ACCOUNTS

##### TRANSPORTATION

2. In § 10.101 *Freight*, add the following to the list of items to be charged:

Amounts paid on basis of tariff rates for loading and unloading livestock.

Change the period at the end of Note G to a comma and add the following: "and (e) payments on basis of tariff rates for loading and unloading livestock."

3. In § 10.140 *Stockyard*, cancel the number, title, and text of this account.

4. In § 10.143 *Miscellaneous*, add the following to the list of items:

(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.

#### JOINT FACILITY

5. In § 10.151 *Joint facility—Cr.*, change the period at the end of the text

to a comma and add the following: "including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

6. In § 10.152 *Joint facility—Dr.*, change the period at the end of the text to a comma and add the following: "including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

#### EXPENSE ACCOUNTS

##### MAINTENANCE OF ROADWAY

7. In paragraph (a) *Care of roadbed*, of § 10.202 *Roadway maintenance*, substitute the word "repairing" for the word "constructing" in the list of items of roadway expense, the third item, and add the following item:

Post driving and pressure grouting to promote stability of roadbed.

8. In § 10.227 *Station and office buildings*, insert the item "stockyards," following the item "stock pens," in the list of station and office structures and details.

#### TRANSPORTATION

9. In paragraph (a) *Agents, clerks, and attendants*, of § 10.373 *Station employees*, insert the word "stockyards," between the words "stations," and "wharves," in the first sentence, and in the list of employees insert the item "Stockyards superintendents and foremen," following the item "Stationmasters."

In paragraph (b) *Labor at stations*, eliminate the word "and" in the first sentence where it precedes the word "watering;" following the latter word insert the words "bedding, shearing, dipping, inspecting, and otherwise caring for" and in the list of employees insert the item "Stockyards laborers," following item "Stock-pen laborers."

10. In paragraph (a) *Heating*, of § 10.376 *Station supplies and expenses*, insert the word "stockyards," between the word "offices," and the words "and other—"

In paragraph (b) *Lighting*, insert the word "stockyards," between the words "offices," and "other."

In paragraph (c) *Other expenses*, change the period at the end of the text to a comma and add the following words: "including those for stockyards."

In "Items of Expense," after "Station employees' expenses," insert the following additional item of expense: "Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock."

#### MISCELLANEOUS OPERATIONS

11. In § 10.444 *Stockyards*, cancel the number, title, text, and note of this ac-

count, and prescribe the following additional accounts:

§ 10.447 *Operating joint miscellaneous facilities—Dr* This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

§ 10.448 *Operating joint miscellaneous facilities—Cr* This account shall include amounts chargeable to others as

their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

#### INCOME ACCOUNTS

##### DEBIT

12. In § 10.560 *Form of income statement*, cancel the grouping of accounts captioned "Contingent charges," and substitute the following:

#### OTHER DEDUCTIONS

552. Income applied to sinking and other reserve funds.

(a) Increments to special funds required to be retained therein and not subject to withdrawal except for purposes of the funds.....

548. Interest on funded debt.

(c) Contingent interest.....  
Total other deductions.....

In the grouping of accounts showing disposition of net income cancel item (c) under account 552, "Income applied to sinking and other reserve funds," and substitute the following:

(b) Income applied to capital funds under Governmental authority or other arrangements.....

(c) Appropriations, allotments, and payments from income of definite amounts to special funds not includible in 552 (a) or 552 (b).....

#### GENERAL BALANCE—SHEET ACCOUNTS

##### CREDIT

13. In § 10.769 *Liability for provident funds*, cancel the title, text, and notes of this account and substitute the following:

§ 10.769 *Pension and welfare reserves*. This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or surplus, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-7975; Filed, Aug. 26, 1947;  
9:19 a. m.]

## NOTICES

### TREASURY DEPARTMENT

#### United States Coast Guard

[CGFR 47-43]

#### APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 429) and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875) as well as the additional authorities cited with each class of equipment, the following approvals of equipment are prescribed, effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner cancelled or suspended by proper authority:

#### BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are limited to service on motorboats of Classes A, 1, or 2 not carrying passengers for hire in accordance with 46 CFR 25.4-1.

Approval No. 160.007/55/0, standard kapok buoyant cushion, manufactured by The Mueck Auto Body Co., 4321-4329 Papin Street, St. Louis 10, Mo.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

#### BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are limited to service on motorboats of Classes A, 1, or 2 not carrying passengers for hire in accordance with 46 CFR 25.4-1.

Approval No. 160.008/372/0, 14" x 43" x 2½" rectangular kapok buoyant cushion, 68 oz. kapok, Dwg. dated July 26, 1947, U. S. C. G. Specification 160.008, manufactured by DeMore Manufacturing Co., Inc., 547 Meeting Street, Charleston 14, S. C.

Approval No. 160.008/306/0, 15½" x 26" x 3" rectangular kapok buoyant

cushion, 54 oz. kapok, Dwg. No. 181-103, dated July 7, 1947, U. S. C. G. Specification 160.008, manufactured by Cluff Fabric Products, 457-467 E. 147th Street, New York, N. Y.

Rectangular non-standard kapok buoyant cushions manufactured by the H. S. White Mfg. Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn., Dwg. No. 1, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size	Kapok
	Inches	Ounces
160.008/306/0	15 x 19 x 2	25
160.008/307/0	15 x 21 x 2	23
160.008/310/0	15 x 23 x 2	31
160.008/311/0	15 x 23 x 2	34
160.008/312/0	15 x 27 x 2	35
160.008/313/0	15 x 27 x 2	39
160.008/314/0	15 x 31 x 2	42
160.008/315/0	15 x 33 x 2	44
160.008/316/0	15 x 35 x 2	47
160.008/317/0	17 x 17 x 2	25
160.008/318/0	17 x 19 x 2	29
160.008/319/0	17 x 21 x 2	32
160.008/320/0	17 x 23 x 2	35
160.008/321/0	17 x 25 x 2	38
160.008/322/0	17 x 27 x 2	41
160.008/323/0	17 x 31 x 2	44
160.008/324/0	17 x 33 x 2	47
160.008/325/0	17 x 35 x 2	50
160.008/326/0	19 x 19 x 2	33
160.008/327/0	19 x 21 x 2	35
160.008/328/0	19 x 23 x 2	38
160.008/329/0	19 x 25 x 2	42
160.008/331/0	19 x 27 x 2	45
160.008/332/0	19 x 29 x 2	49
160.008/333/0	19 x 31 x 2	53
160.008/334/0	19 x 33 x 2	56
160.008/335/0	19 x 35 x 2	59
160.008/336/0	21 x 21 x 2	39
160.008/337/0	21 x 23 x 2	43
160.008/338/0	21 x 25 x 2	47
160.008/339/0	21 x 27 x 2	51
160.008/340/0	21 x 29 x 2	54
160.008/341/0	21 x 31 x 2	58
160.008/342/0	21 x 33 x 2	62
160.008/343/0	21 x 35 x 2	66

Rectangular non-standard kapok buoyant cushions manufactured by the H. S. White Mfg. Co., Inc., 6th and Rosabel Streets, St. Paul 1, Minn., Dwg. No. 4, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size	Kapok
	Inches	Ounces
160.008/344/0	14 x 22 x 2	23
160.008/345/0	14 x 24 x 2	30
160.008/346/0	14 x 26 x 2	33
160.008/347/0	14 x 28 x 2	35
160.008/348/0	14 x 29 x 2	38
160.008/349/0	14 x 32 x 2	40
160.008/350/0	14 x 34 x 2	43
160.008/351/0	14 x 36 x 2	45
160.008/352/0	16 x 18 x 2	25
160.008/353/0	16 x 20 x 2	29
160.008/354/0	16 x 22 x 2	32
160.008/355/0	16 x 24 x 2	34
160.008/356/0	16 x 26 x 2	37
160.008/357/0	16 x 28 x 2	40
160.008/358/0	16 x 29 x 2	43
160.008/359/0	16 x 32 x 2	45
160.008/360/0	16 x 34 x 2	49
160.008/361/0	16 x 36 x 2	51
160.008/362/0	18 x 18 x 2	29
160.008/363/0	18 x 20 x 2	32
160.008/364/0	18 x 22 x 2	35
160.008/365/0	18 x 24 x 2	39
160.008/366/0	18 x 26 x 2	42
160.008/367/0	18 x 28 x 2	45
160.008/368/0	18 x 29 x 2	49
160.008/369/0	18 x 32 x 2	51
160.008/370/0	18 x 34 x 2	55
160.008/371/0	18 x 36 x 2	58

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

#### WINCHES, LIFEBOAT

Approval No. 160.015/37/0, Type WH-15, lifeboat winch; approved for maximum working load of 12,500 pounds pull at the drums (6,250 pounds per fall) identified by general arrangement Dwg. No. 1263-D, dated June 7, 1946, and re-

vised June 9, 1947, manufactured by the Landley Co., Inc., 15 Park Row, New York 7, N. Y.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-5, 59.3a, 60.21, 76.15a, 94.14a)

#### SIGNALS, DISTRESS, FLARE CARTRIDGE, RED, PARACHUTE

Approval No. 160.024/5/0, aluminum shell parachute red flare cartridge distress signal, assembly Dwg. No. A-3530, dated January 17, 1947, manufactured by Signal Manufacturing Co., 524 West Pico Blvd., Los Angeles 15, Calif..

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 33.3-2, 59.11, 76.14)

#### LIFEBOATS

Approval No. 160.035/167/0, 16' x 5.1' x 2.08' steel oar-propelled lifeboat, 10-person capacity, approved for use on vessels other than ocean or coastwise steam vessels; identified by Construction and Arrangement Dwg. No. 3172, dated May 5, 1945, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

Approval No. 160.035/168/0, 14' x 5.0' x 2.17' steel oar-propelled lifeboat, 9-person capacity, approved for use on vessels other than ocean or coastwise steam vessels, identified by Construction and Arrangement Dwg. No. 3158 dated March 25, 1947, manufactured by the Welin Davit and Boat Division of the Robinson Foundation, Inc., Perth Amboy, N. J.

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.60, 94.15, 113.10)

#### SOUND POWERED TELEPHONE EQUIPMENT

Approval No. 161.005/30/0, sound powered telephone headset, Model MI-2045-E Dwg. No. W-302828-502, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/31/0, sound powered telephone handset, Model MI-2040-A, Dwg. No. TT-613025-504, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/32/0, sound powered telephone signal unit, Model MI-2471, 13 stations maximum, bulkhead mounting, waterproof, Dwg. No. W-130924-501, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/33/0, sound powered telephone station assembly (less signal unit) Model MI-2044-A, waterproof, bulkhead mounting, Dwg. No. W-130429-502, submitted by Radio Corporation of America, Camden, N. J.

Approval No. 161.005/34/0, sound powered telephone handset, Model MI-2040-A, Dwg. No. TT-613025-504, and brackets for bulkhead mounting, Models MI-2452 and MI-2062-B, Dwg. Nos. W-130422-

501 and T-161374-3, submitted by Radio Corporation of America, Camden, N. J.

(R. S. 4417a, 4418, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 1333, 50 U. S. C. 1275; 46 CFR 32.9-4, 63.11, 79.12, 97.14, 116.10)

#### BOILERS, HEATING

Approval No. 162.003/35/0, Erie City Iron Works #1203, 42-inch diameter welded vertical fire tube heating boiler, heating surface 243 square feet, Dwg. No. 80847-A, maximum pressure 30 p. s. i., manufactured by Erie City Iron Works, Erie, Pa.

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

Dated: August 19, 1947.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 47-7970; Filed, Aug. 26, 1947;  
9:18 a. m.]

#### [CGFR 47-44]

#### TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489) and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875) as well as the additional authorities cited with each class of equipment below, I find that certain items previously approved are either no longer in compliance with present Coast Guard requirements or are no longer being manufactured and, therefore, certain approvals for cork life preservers, balsa wood life preservers, combination cork and kapok life preservers, combination balsa wood and kapok life preservers, expanded rubber life preservers, fire indicating and alarm systems and equipment and combined fire indicating and extinguishing systems, and automatic floating electric water lights are terminated in accordance with the following modifications:

#### LIFE PRESERVERS

1. All the approvals for cork life preservers which do not comply with the Coast Guard requirements in 46 CFR 28.4-4, 37.6-4, 59.55, 76.52, 94.52, and 113.44, which were granted by the Bureau of Marine Inspection and Navigation or its predecessors or the Coast Guard prior to July 17, 1942, are terminated. The approvals terminated by this document are those which do not comply with present requirements and were issued prior to the revised regulations published in the FEDERAL REGISTER July 17, 1942, 7 F. R. 5492.

2. All the approvals for balsa wood life preservers which do not comply with the Coast Guard requirements in 46 CFR 28.4-5, 37.6-5, 59.55, 76.52, 94.52, and 113.44, which were approved by the Bureau of Marine Inspection and Navigation

or its predecessors or the Coast Guard prior to July 17, 1942, are terminated. The approvals terminated by this document are those which do not comply with present requirements and were issued prior to the revised regulations published in the FEDERAL REGISTER July 17, 1942, 7 F. R. 5492.

3. Combination cork and kapok life preservers and combination balsa wood and kapok life preservers were approved by the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, for use on inspected vessels and since these life preservers are no longer being manufactured all approvals granted are terminated.

4. Expanded rubber life preservers were approved by the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, for use on inspected vessels and since these life preservers are no longer being manufactured all approvals granted are terminated.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 492, 526e, 526p, 1333, 50 U. S. C. 1275)

#### FIRE INDICATING AND ALARM SYSTEMS AND EQUIPMENT AND COMBINED FIRE INDICATING AND EXTINGUISHING SYSTEMS

5. All approvals of fire indicating and alarm systems and equipment and combined fire indicating and extinguishing systems approved by the Bureau of Marine Inspection and Navigation or its predecessors prior to 1940 which do not comply with present Coast Guard requirements are terminated. The fire detecting and alarm system approved by the Coast Guard for USAHS "Larkspur" only is terminated. The termination of approvals remove from the active lists outstanding approvals since the items covered cannot be installed without specific approval from the Commandant, U. S. Coast Guard.

(R. S. 4417a, 4418, 4426, 4470, 4471, 4483, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463, 463a, 464, 476, 1333, 50 U. S. C. 1275)

#### AUTOMATIC FLOATING ELECTRIC WATER LIGHTS

6. All approvals of automatic floating electric water lights which were granted by the Bureau of Marine Inspection and Navigation or its predecessors or the Commandant, U. S. Coast Guard, are terminated, except approvals for A. E. F. Water Light Corporation, published in the FEDERAL REGISTER March 23, 1943, Coston Supply Company, published in the FEDERAL REGISTER September 26, 1942, and Galbraith and Son, Inc., published in the FEDERAL REGISTER July 16, 1943. The terminations of approvals of automatic floating electric water lights remove from the active lists outstanding approvals since they are no longer being manufactured.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275)

CONDITIONS OF TERMINATION OF APPROVAL

7. The termination of approval of any item not in compliance with present Coast Guard regulations as stated by this document shall be made effective upon the effective date of the revised regulations published in the FEDERAL REGISTER. The termination of approval of any item made by this document and not included in the preceding sentence shall become effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item, such equipment manufactured while the approval was in effect may be continued in use so long as in good and serviceable condition.

Dated: August 19, 1947.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 47-7971; Filed, Aug. 26, 1947;  
9:18 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9609]

W DEBOER AND CO.

In re: Debt owing to W. deBoer & Company. F-28-9518-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. deBoer & Company, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to W. deBoer & Company, by Pillsbury Mills, Inc., 600 Metropolitan Bldg., Minneapolis 2, Minnesota, in the amount of \$10,634.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-7994; Filed, Aug. 26, 1947;  
8:50 a. m.]

[Vesting Order 9625]

PAUL SCHULZ ET AL.

In re: Bank account owned by Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, Walli Wollschlaeger, and the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, and Walli Wollschlaeger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, deceased, and Selma Schrutke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the property described as follows: That certain debt or other obligation of The First National Bank, San Rafael, California, arising out of a Savings Account, account number 5685, entitled Clara Heise, attorney-in-fact for Paul Schulz, Emil Schulz, Richard Schulz, Karl Schulz, Selma Schrutke, Lina Hofmann, Walli Wollschlaeger and Olga Loesdau, as nationals of Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Schulz, Richard Schulz, Karl Schulz, Lina Hofmann, Olga Loesdau, Walli Wollschlaeger, and the personal representatives, heirs, next of kin, legatees and

distributees of Emil Schulz, deceased, and Selma Schrutke, deceased; the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Emil Schulz, and Selma Schrutke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947:

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-7995; Filed, Aug. 26, 1947;  
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-863]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on February 17, 1947, by Mississippi River Fuel Corporation (Applicant) a Delaware Corporation having its principal place of business at St. Louis, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on March 8, 1947 (12 F. R. 1627)

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946) a public hearing be held commencing on September 15, 1947, at 10:00 a. m., c. d. s. t. in Room 948, U. S. Court House and Custom House Building, St. Louis, Missouri, concerning the matters involved and the issues presented by the application and other pleadings in this proceeding.



(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: August 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-7991; Filed, Aug. 26, 1947;  
8:51 a. m.]

[Docket No. IT-6078]

CENTRAL NEW YORK POWER CORP.

NOTICE OF APPLICATION

AUGUST 21, 1947.

Notice is hereby given that Central New York Power Corporation, Syracuse, New York, has filed an application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to export electric energy across the international boundary between the United States and Canada over a transmission line from Hogsburg, New York, to a connection with the facilities of The Shawinigan Water & Power Company at the international boundary near the Indian Reservation Village known as St. Regis, Quebec, Dominion of Canada, in an amount of 45,000 kilowatt-hours, annually, at a rate of supply of 50 kilowatts.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before September 11, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] S. A. WALKER,  
Acting Secretary.

[F. R. Doc. 47-7986; Filed, Aug. 26, 1947;  
9:19 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5258]

EVERETT FOOT CUSHION LABORATORIES AND  
EVERETT FOOT CUSHION CO.

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 18th day of August A. D. 1947.

In the matter of George N. Bouthilllette, an individual doing business under the trade names of Everett Foot Cushion Laboratories, and Everett Foot Cushion Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 11, 1947, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room No. 4, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-7973; Filed, Aug. 26, 1947;  
9:19 a. m.]

[Docket No. 5271]

FOOD, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 14th day of August A. D. 1947.

In the matter of Food, Incorporated, a corporation, Nature Food Centres, Inc., a corporation, sometimes trading as Healthmode Products Company, Nature Food Centres of Connecticut, Incorporated, a corporation, and Nature Food Centres of Rhode Island, Inc., a corporation and Andrew F. Rosenberger, Emily M. Rosenberger and Henry K. Rosenberger, individually and as officers and directors of said corporations.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony and the receipt of evidence

begin on Tuesday, August 26, 1947, at nine o'clock in the forenoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order, all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-7972; Filed, Aug. 26, 1947;  
9:18 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 277]

RECONSIGNMENT OF PEACHES AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 20, 1947, by Chas. Abbate, of cars peaches, now on the Chicago Produce Terminal to Escanaba, Mich. URT 35588, and to Green Bay, Wis. PFE 46688.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of August 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-7974; Filed, Aug. 26, 1947;  
9:19 a. m.]